The City Council of the City of Raleigh met in regular session on Tuesday, April 19, 1983 at 2:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order and invocation was rendered by the Reverend Richard Brand, Associate Minister, First Presbyterian Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

RALEIGH-DURHAM UNITED AIRPORT - GROUND BREAKING - COMMENTS MADE

Mayor York indicated the Council meeting was delayed until 2:00 p.m. in order to allow Council members to attend the ground breaking at the Raleigh-Durham United Airport pointing out the ground breaking was for the new runway.

FALLS OF NEUSE - DEDICATION ANNOUNCED

Mayor York indicated the dedication for Falls of Neuse will be on April 30, 1983 at 10:30 a.m. He invited all persons to attend.

PROCLAMATION - SHELLEY SCHOOL WEEK - PROCLAIMED

Mayor York read a proclamation proclaiming the week of April 24-30 as Shelley School Week in the City of Raleigh. Mr. O. K. Beatty, Chairman of the Board of Shelley School, Ms. Inez Pebbles and Ms. Mary Hamilton of the Eta Phi Beta Sorority, Inc., Alpha Epsilon Chapter were present to receive the proclamation. Mr. Beatty expressed appreciation to the Mayor for proclaiming the week. He indicated he is very pleased and the children at the school are very pleased.

PROCLAMATION - RALEIGH LITTLE THEATRE WEEK - PROCLAIMED

Mayor York read a proclamation proclaiming the week of April 18-24 as Raleigh Little Theatre Week in the City of Raleigh. Mrs. Thomas Briggs, President of the Raleigh Little Theatre Board of Directors and Board Members Dennis Rogers were at the meeting to receive the proclamation. Mrs. Briggs expressed appreciation to the Mayor and Council for their present and hopefully continued support of the Raleigh Little Theatre.

CERTIFICATES OF APPOINTMENT - PRESENTED

Mayor York explained the Certificate of Appointment presentation and presented the following certificates: Appearance Commission - Gerald P. Traub; Fair Housing Hearing Board - James Colson and Francis L. Roberts; Fireman's Relief Fund - R. E. Keith; and the Youth Council - Mrs. Lianda Taylor.

PROCLAMATION - VOLUNTEER WEEK - PRESENTED

Mayor York read a proclamation proclaiming the week of April 17-31 as Volunteer Week in the City of Raleigh. The proclamation was received by Patty Gibson. Ms. Gibson presented the Mayor a red ribbon recognizing volunteer service.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS PRESENTED

Mayor York presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. He explained if the Council requests discussion on an item the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mr. Upchurch MOVED THAT ADMINISTRATION'S RECOMMENDATION ON THE ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

MASS TRANSIT OPERATING GRANT - REQUEST FOR PUBLIC HEARING - AUTHORIZED FOR JUNE 7, 1983

The Department of Transportation recommends that the City Council authorize scheduling a public hearing on Tuesday, June 7, 1983 for the purpose of consideration the annual grant application for Federal assistance in operating the City of Raleigh transit system. APPROVAL OF THE REQUEST FOR THE JUNE 7, 1983 PUBLIC HEARING IS RECOMMENDED. Consent Agenda approval Upchurch/Edwards - 8 ayes.

GREENWAY PROPERTY LINE - VILLAGE ON THE GREEN - ADJUSTMENT AUTHORIZED

John Harris, of Eastman Development Company, asked that the limits of the property deeded to the City of Raleigh for greenway by the PUD "Village on the Green" be adjusted to accommodated some unforeseen field conditions. The adjustment would leave the City of Raleigh with approximately 20.3 acres of greenway adjacent to Village on the Green. The Council approved a site plan showing 20.8 acres to be dedicated as greenway at its October 20, 1981 meeting. Under the City's regulation, Village on the Green was required to set aside at least five acres. The map showing the changes were available at the meeting. APPROVAL OF THIS REDUCTION IN GREENWAY IN THE VILLAGE ON THE GREEN (PUD) IS RECOMMENDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

STREET CLOSING - CALUMET DRIVE AND ROSELLE COURT - RESOLUTION OF INTENT ADOPTED

The City has received a request to close a portion of Calumet Drive and Roselle Court through Wakefield Apartments. The request is based on the desire of the applicant to locate security shelters on Calumet Drive to control access to the apartment project. The staff has reviewed the request and would support the request with the following conditions:

a. That the applicant place double-check valves on the water line in Calumet Drive and that the water line, in the portion of the road closed, be maintained by the applicant.

b. That the City's Department of Transportation have the opportunity to review the design and placement of the security shelters on Calumet Drive to insure public safety access to the project.

c. That all necessary utility easements are reserved or dedicated as requested by either the City or private utility companies such as Carolina Power and Light Company, Cablevision of Raleigh, Southern Bell, or Public Service of N.C., Inc.

It was pointed out the staff may revise or add additional conditions during the public hearing process based on information we may not have at this time. THE CITY STAFF RECOMMENDS THAT THE COUNCIL ADOPT A RESOLUTION OF INTENT TO CLOSE THESE STREETS WITH CONDITIONS EXPLAINED AND TO SCHEDULE THE PUBLIC HEARING DURING THE COUNCIL MEETING OF MAY 17. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. (1983) 210

A RESOLUTION OF INTENT TO CONSIDER CLOSING CALUMET DRIVE AND ROSELLE COURT RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina pursuant to North Carolina General Statute 160A-299, intends to close permanently the following street right-of-way:

CALUMET DRIVE and ROSELLE COURT: BEGINNING at a stake in the north side of the right-of-way of Calumet Drive at the Southwest corner of Lot 10, block "D" of the Wakefield subdivision, said lot and block being the property of B.C.D.R., Ltd., formerly the property of R-A Properties, Inc., as shown on the Plat recorded in Book of Maps 1971, Volume IV, Page 453 of the Wake County Registry, and running thence along and with the north side of the right-of-way of Calumet Drive in a southeasterly direction with the arc of a clockwise curve, having a radius of 371.22 feet, an arc distance of 60.0 feet to a stake; thence running South 59° 10' 00" East 290.0 feet to a stake; thence in southeasterly direction with the arc of a counterclockwise curve, having a radius of 478.49 feet, an arc distance of 245.77 feet to a stake; thence running South 88° 35' 47" East 263.28 feet to a lamp pole; thence running in a southeasterly direction with the arc of a clockwise curve, having a radius of 474.93 feet, an arc distance of 210.03 feet to a stake; thence running in a southeasterly direction with the arc of a clockwise curve, having a radius of 474.93 feet, an arc distance of 535.99 feet to a stake; thence running South 01° 24' 13" West 542.58 feet to a stake; thence running in a southeasterly direction with the arc of a counterclockwise curve, having a radius of 25 feet, an arc distance 39.27 feet to a stake lying on the north right-of-way of Holston Lane; running thence North 88° 35' 47" West 110.0 feet to a stake lying on the north right-of-way of Holston Lane; continuing thence in a northeasterly direction with the arc of a counterclockwise curve, having a radius of 25.0 feet, an arc distance of 39.27 feet to a stake; running thence North 01° 24' 13" East 542.58 feet to a stake; thence in a northwesterly direction with the arc of a counterclockwise curve, having a radius of 414.93 feet, an arc distance of 651.77 feet a stake; running thence North 88° 35' 47" West 50 feet to a stake; thence in a northwesterly direction with the arc of a clockwise curve, having a radius of 538.49 feet, an arc distance of 147.63 feet to a stake; running thence in a southwesterly direction with the arc of a counterclockwise curve, having a radius of 25 feet, an arc distance of 36.82 feet to a stake' running thence South 22° 42' 50" West 231.70 feet to a stake; thence in a southeasterly direction with the arc of a counterclockwise curve, having a radius of 25 feet, an arc distance of 18.69 feet to a stake; commencing thence in a southeasterly direction with the arc of a clockwise curve, having a radius of 50 feet, an arc distance of 231.84 feet to a stake; running thence in a northeasterly direction with the arc of a counterclockwise curve, having a

radius of 25.0 feet an arc distance of 18.69 feet to a stake; running thence north 22° 42' 50" East 231.70 feet to a stake; running thence in a northwesterly direction with the arc of a counterclockwise curve, having a radius of 25.0 feet an arc distance of 36.82 feet to a stake; running thence North 59° 10' 00" West 23.66 feet to a stake; running thence North 59° 10' 00" West 290.0 feet to a stake; running thence in a northwesterly direction with the arc of a counterclockwise curve, having a radius of 311.22 feet an arc distance of 12.0 feet to a point lying on the southern right-of-way of Calumet Drive; running thence North 8° 51' 50" West 74.0 feet to a stake, the point and place of beginning, as per plat and survey by J. Fred Davis, Jr., Inc. dated December 22, 1977 to which plat reference is hereby made for a more particular description of same, said property being all of Roselle Court and a substantial portion of Calumet Drive as set forth in said plat and survey.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, June 7, 1983, in the Council Chamber, Room 315, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: April 19, 1983

CP&L - POWER LINE EASEMENT - APPROVED

Carolina Power and Light Company has requested a power line easement on City property for the new fire station under construction on Pleasant Valley Road. This is for the purpose of providing electrical service to the station site. The proposed easement has been reviewed by the architect. ADMINISTRATION RECOMMENDS THAT THE CITY COUNCIL APPROVE THE CONVEYANCE OF THIS EASEMENT. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

PERSONNEL - RECLASSIFICATION AND PAY PLAN REVISIONS - APPROVED

Standard Procedure 300-2, "Administration of the Classification Plan", calls for semi-annual review of classification and pay request submitted by the various departments. These requests are studied by the Classification and Pay Analysts, reviewed by the Personnel Director and recommendations are then made to the City Manager concerning the disposition of the requests. In addition, the Personnel Department initiates studies where it is believed it is needed. Reclassification and pay range revisions recommended for change, effective April 20, 1983 are as follows:

Department/Division	Current Title & Grade	Recommended Title & Grade
General Government/ Real Estate	Real Estate Specialist/34	Real Estate Specialist II/35
General Government/ Civic Center	Civic Center Booking Coordinator/28	Upgrade to 31
Transportation	Traffic Signal Tech. III/30	Upgrade to 31
	Traffic Signal Supv./33	Upgrade to 34
	Radio Tech. II/32	Upgrade to 33
Human Resources	Office Assistant II/21	Secretary I/23
Finance/Consumer Serv.	Office Assistant II/21 (Hicks)	Office Assistant III/23
	Field Operations Supv./27	Upgrade to 28
	Meter Reader/23 (King)	Meter Reader II/24
Public Works/Administration	Administrative Asst. II/34	Public Works Operations Analyst/35

Parks & Recreation/Parks Highways	Gardner I/24 (James)	Gardner II/27
Community Development	Rehab Loan Agent/32	Upgrade to 33

ADMINISTRATION RECOMMENDS APPROVAL OF THE CLASSIFICATION AND PAY CHANGES EFFECTIVE APRIL 20, 1983. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

LIMOUSINE SERVICE FRANCHISE - ONES E. POLK - APPROVED ON FIRST READING - TO BE ON 5/3/83 AGENDA

An application has been received from the following to operate a limousine service. The application has been checked and meets the requirements of the City Code. ADMINISTRATION RECOMMENDS APPROVAL ON THE FIRST READING WITH THE UNDERSTANDING THE ITEM WILL BE PLACED ON THE MAY 3, 1983 AGENDA FOR SECOND AND FINAL CONSIDERATION. The application is in the name of Ones E. Polk, Polk Limousine Service (new franchise). Consent Agenda approval - Upchurch/Edwards - 8 ayes.

TAXICAB OWNER'S PERMITS - VARIOUS - APPROVED ON FIRST READING TO BE PLACED ON MAY 3, 1983 AGENDA

Applications have been received from the following to operate a taxi. They have been checked and meet the requirements of Code Section 12-2053 of the City Code. ADMINISTRATION RECOMMENDS APPROVAL ON THE FIRST READING WITH THE UNDERSTANDING THE APPLICATIONS WILL BE PLACED ON THE AGENDA FOR MAY 31, 1983 FOR SECOND AND FINAL CONSIDERATION. The applications are as follows: Henry Benjamin Murray, Southern Cab Company (New Franchise) and William Leonard Roberts, Lincoln Cab Company (New Individual Owner's Permit). Consent Agenda approval - Upchurch/Edwards - 8 ayes.

PUBLIC UTILITIES - 54-INCH RAW WATER TRANSMISSION MAIN - CHANGE ORDERS AND ASSOCIATED TRANSFERS - AUTHORIZED

Change Order No. 1 - Wrenn-Wilson was presented, with it being explained it was an additional of $13,166.25.

Change Order No. 1 - T. A. Loving Company was also presented. It is an additional of $3,800.00. The Agenda listed the reasons for the change order and the appropriate budget accounts that need to be amended if the transfers are approved. ADMINISTRATION RECOMMENDS APPROVAL OF THE CHANGE ORDERS AND RELATED TRANSFERS. Consent Agenda approval - Upchurch/Edwards - 8 ayes. See Resolution 211 TF 36.

PUBLIC UTILITIES - SLUDGE STORAGE TANKS AND THICKENERS - CHANGE ORDER APPROVED

Change Order No. 2 - Final with Crain and Denbo, Inc. was presented, which was a reduction of $3,852.50 to correct the approximate quantities to reflect as-built conditions. The Agenda also listed the appropriate budget accounts that need to be amended if the change order it approved. ADMINISTRATION RECOMMENDS APPROVAL OF THE CHANGE ORDER AND TRANSFER AS OUTLINED ON THE AGENDA. Consent Agenda approval - Upchurch/Edwards - 8 ayes. See Resolution 211 TF 36.

E.M. JOHNSON WATER PLANT EXPANSION - CHANGE ORDER F-4 - APPROVED - TRANSFER AUTHORIZED

Change Order F-4 which is an additional of $12,121.00 relating to the E. M. Johnson Water Plant Expansion - Roberts Filter Manufacturing Company was presented. The Agenda listed the reason for the change order and the budget amount that needs to be amended if the change order is authorized. ADMINISTRATION RECOMMENDS APPROVAL OF THE CHANGE ORDER AND RELATED TRANSFERS. Consent Agenda approval - Upchurch/Edwards - 8 ayes. See Resolution 211 TF 36.

CETA - OJT CONTRACT MODIFICATION - INFORMATION RECEIVED

On April 11, 1983, the City Manager signed a contract with C. C. Magnum, Inc. which provides training for two people. The contract period if for five months and will have a total CETA cost of $2,136.00. This was approved administratively according to Council procedure. The item was received as information.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTION CONCURRED WITH

Council members received a list of administrative transfers which have been approved administratively by the City Manager according to Council procedure. CONCURRENCE WITH THE MANAGER'S ACTION IS RECOMMENDED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

The transfers were as follows:

	Account Number	Amount
From	19-2-8040-534	$500.00
To	19-2-8040-992	500.00
From	06-2-7040-704	150.00
To	06-2-7010-740	150.00

From	01-2-5030-260	300.00
To	01-2-5030-225	300.00
From	84-2-1110-000	961.21
To	84-2-1010-301	961.21
From	34-2-3826-103	487.00
To	34-2-3826-107	487.00
From	19-2-8260-534	200.00
To	19-2-8260-200	200.00
From	01-2-4010-724	650.00
To	01-2-4010-703	650.00
From	37-2-1135-310	80.01
To	37-2-1135-104	80.01
From	81-2-1000-300	500.00
To	81-2-1045-103	500.00
From	43-2-4010-231	425.00
To	43-2-4010-213	425.00
From	18-2-0700-261	200.00
From	18-2-0700-225	200.00
To	18-2-0700-260	200.00
From	01-2-3070-221	70.00
To	01-2-3080-213	70.00
From	18-2-0500-225	240.00
To	18-2-0500-706	240.00

RESOLUTION NO. (1983) 212 TF 37

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 29, 1982, and included in the budget for the fiscal year ending June 30, 1983, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-6060-100	Salaries	$ 11,466.00
From 01-2-6060-711	Turf Tractor	12,534.00
To 01-2-6020-225	Repairs to Buildings	24,000.00
Purpose: Supplement account for remainder of fiscal year.		
From 01-2-6060-711	Turf Tractor	$ 39,466.00
From 01-2-6060-714	Mowers 72"	20,534.00
To 01-2-6020-219	Light & Power	60,000.00
Purpose: Supplement account for remainder of fiscal year.		
From 01-2-6060-714	Mowers 72"	$ 12,081.00
From 01-2-6040-226	Repairs to Equipment	1,000.00
From 01-2-6040-227	Repairs to Other Equipment	919.00
To 01-2-6020-217	Fuel for Heat	14,000.00
Purpose: Supplement account for remainder of fiscal year.		
From 37-2-1000-100	Council Reserve	$ 3,000.00
To 37-2-3000-185	Carousel Maintenance	3,000.00
Purpose: Printing 1000 copies of National Carousel Association Magazine.		
From 84-2-1060-000	E.M. Johnson Plant Expansion	$ 97,132.00
To 84-2-1060-501	EMJ - Filter Construction	97,132.00
Purpose: Contract Change Order - Roberts Filter Manufacturing Company, F-5.		
From 01-2-5050-225	Repr. Bldg. & Structure	$ 10,000.00
From 01-2-5050-235	Alt. Rental	1,000.00
From 01-2-5050-700	Buffer	850.00
To 01-2-5050-219	Light & Power	11,850.00
Purpose: Supplement account for remainder of fiscal year.		

From 01-2-5020-609	Asphalt Roller	$ 1,012.00
From 01-2-5020-610	Mech. Tamp	1,291.52
From 01-2-5020-711	Asphalt Roller	4,464.48
To 01-2-5020-601	Truck Dump	6,768.00

Purpose: To provide additional funds necessary to purchase flusher tank.

From 06-2-7030-258	Chemicals & Drugs	$ 4,000.00
To 06-2-7030-265	Other Services	4,000.00

Purpose: To provide funds for remainder of fiscal year.

From 01-2-2000-237	Car Rental	$ 1,500.00
To 01-2-2000-260	Office Supplies	1,500.00

Purpose: To provide funds for office supplies.

From 81-2-1000-300	Reserve for Council Proj.	$ 4,600.00
To 81-2-1045-103	Brookhaven	4,600.00

Purpose: Additional funds to complete Ellisberg case.

From 84-2-1060-000	E.M. Johnson Plant Exp.	$ 12,121.00
To 84-2-1060-501	EMJ Filter Construction	12,121.00

Purpose: Contract Change Order - Roberts Filter Manufacturing Company, F-4.

From 81-2-1811-101	Sludge Handling - General	$ 3,852.50
To 81-2-1820-102	NRWWTP - Clarifiers-B	3,852.50

Purpose: Change Order - Sludge Storage Tanks & Thickener - Section A - General, Crain and Denbo, Inc., #2 (Final)

From 84-2-1110-000	54" Water Trans. Main	$ 3,800.00
To 84-2-1110-101	54" Water Trans. Main-Const.	3,800.00

Purpose: Change Order - General Construction, T.A. Loving Co., #1

From 84-2-1650-000	Raw Water main	$ 13,166.25
To 84-2-1650-101	Raw Water Main Construction	13,166.25

Purpose: Change Order - 54" Raw Water Transmission Main, Wrenn-Wilson, #1.

Adopted: 4/19/83

ORDINANCE NO. (1983) 103 TF 17

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That $29,150.00 of the General Fund Contingency appropriation, Code Account 01-2-1040-001, is hereby transferred from that appropriation and added to the appropriations made in the 1982/1983 Budget ordinance as follows:

$13,150.00 to Code Account 01-2-5050-219, Light & Power, to supplement account for remainder of fiscal year.

$16,000.00 to Code Account 01-2-5050-228, Tel & Tel, to supplement account for remainder of fiscal year.

Adopted: 4/19/83

Effective: 4/19/83

BID REQUEST 82-52 - REFUSE COLLECTION UNIT - BID AWARDED TO WORTH KEETER, INC. AND CARDINAL INTERNATIONAL TRUCKS

Pursuant to advertising as required by law, bids received and publicly opened in the office of the Purchasing Agent on March 28, 1983 for a 20 yard - rear loading refuse collection unit with results as follows:

Item 1 - Refuse collection body - Worth Keeter, Inc. - $12,779; Specialty Waste Equipment - $13,939; Simpson Equipment Company - $18,095:

Item 2 - Cab and Chaises for mountain refuge body - Cardinal International Trucks - $43,293.80; Simpson Equipment Company - $43,764.

ADMINISTRATION RECOMMENDS THAT ITEM ONE BE AWARDED TO WORTH KEETER, INC. AND ITEM TWO TO CARDINAL INTERNATIONAL TRUCK. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

PU 1983-7 - SAINT ANDREWS PRESBYTERIAN CHURCH AREA - RESOLUTION OF INTENT ADOPTED

Administration recommends that approximately 425 feet of 8-inch sanitary sewer main be installed beginning at the existing manhole at the rear of Lot 49, Sheet 325, northward approximately 425 feet within our easement. The estimated cost is $10,000 with a recommendation assessment on abutting frontage method. The request is made by St. Andrews Presbyterian Church. ADMINISTRATION REQUESTS THAT CITY COUNCIL ADOPT A RESOLUTION OF INTENT AND SET A PUBLIC HEARING DATE OF MAY 17, 1983. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

RESOLUTION NO. 1983-219

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SANITARY SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sanitary sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sanitary sewer mains located and described as follows:

PU 1983-7 - Installation of approximately 425 feet of 8-inch sanitary sewer main beginning at the existing manhole at the rear of Lot 49, Sheet 325, northward within existing easement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 17th of May, 1983, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 4/19/83

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the traffic code relating to no parking on portions of Gardner Street and parking metered zone in the 00 block of South State Street. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRAFFIC CHANGES AS OUTLINED. Consent Agenda approval - Upchurch/Edwards - 8 ayes.

ORDINANCE NO. (1983) 94

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Gardner Street, west side, beginning at a point 130 feet
south of Everette Avenue, southward 50 feet

Section 2. That Traffic Schedule No. 15-C entitled "ONE-HOUR TIME LIMIT" be amended by adding the following:

State Street, east side, beginning at a point 137 feet north
of Hargett Street, northward 176 feet

Section 3. That Traffic Schedule No. 20-C entitled "ONE HOUR METER ZONES" be amended by deleting the following:

State Street, east side, beginning at a point 137 feet
north of Hargett Street, northward 176 feet

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective April 26, 1983.

Adopted: 4/19/83

Effective: 4/26/83

END OF CONSENT AGENDA

SPECIAL ITEMS

SUBDIVISION S-159-82 - REVISION OF CONDITION NO. 2 - AUTHORIZED

During the April 5, 1983, John A. Edwards, Jr. requested a revision to Condition Number 2 placed on the approval of Subdivision S-159-82. The Council deferred action on this request and directed that it be placed on the Agenda with a report from the Subdivision Review Committee. Mr. Edwards indicated he was excused from voting on this matter when it came up April 5 and would request that he be excused at this point as it relates to this item. WITHOUT OBJECTION, MR. EDWARDS WAS EXCUSED FROM PARTICIPATION ON THIS MATTER. City Manager Zachary indicated the Council was asked to amend the condition on the subdivision to allow parking on the 30 foot access easement on Tract No. 2. The Subdivision Review Committee, at its April 13 meeting, reviewed the request and feels that it is acceptable and the Committee WOULD RECOMMEND THAT THE REQUEST FOR THE AMENDMENT BE APPROVED TO PROVIDE PARKING ON THE EASEMENT ON TRACT NO. 2 AND NOT THE OTHER TWO PARCELS. Mr. Walters moved that Condition No. 2 as it relates to approval of Subdivision S-159-82 be amended accordingly. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Edwards REQUESTED THAT CR-1900 (S-44-83) BE WITHDRAWN. Mr. Upchurch requested THAT CR-1923 (TC 230) BE WITHDRAWN. MR KELLER REQUESTED THAT CR-1902 (S-44-83) BE WITHDRAWN. Mr. Walters MOVED THAT THE PLANNING COMMISSION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTIVE. The items on the Planning Commission Consent Agenda were as follows:

S-34-83 - W. E. FREELAND PROPERTY - APPROVED

This was a request for approval to subdivide 1.95 currently vacant acres into six (6) lots, zoned Residential-4. The property is located north of Leesville Road, between Hedgemoor and Edgedale Drives, outside the City Limits.

CR-1895 from the Planning Commission recommended that this request be approved according to a map entitled, "W. E. Freeland Property," the property of W. E. Freeland, drawn by John Y. Phelps, Jr., dated February 23, 1983. Consent Agenda approval: Walters/Upchurch - 8 ayes.

S-37-83 - DARTMOOR - APPROVED

This was a request for approval to subdivide 10.26 currently undeveloped acres into 29 lots, zoned Residential-4. The property is located on the east side of Six Forks Road, approximately 3,500 feet north of Sawmill Road, outside the City Limits.

CR-1897 from the Planning Commission recommended that this request be approved according to a map entitled, "Dartmoor," the property of H. W. H. Associates, drawn by Bass, Nixon and Kennedy, Inc., dated February 25, 1983, revised March 16, 1983. Consent Agenda approval: Walters/Upchurch - 8 ayes.

S-39-83 - A & L PROPERTIES - APPROVED WITH CONDITION

This was a request for approval to subdivide 2.63 acres into two (2) lots, zoned Residential-4. The property is currently developed with two (2) single-family dwellings. This property is located west of Gorman Street, between Avent Ferry Road and Octavia Street, inside the City Limits.

CR-1898 from the Planning Commission recommended that this request be approved according to a map entitled, "A & L Properties," the property of A & L Properties, Inc. and Mrs. R. H. Eakley, drawn by Paul M. Moore, dated February 20, 1983, with the condition that a five (5) foot strip of Mrs. R. H. Eakley's property is recombined with A & L Properties prior to recording the subdivision plat in the Wake County Registry. Consent Agenda approved: Walter/Upchurch - 8 ayes.

S-40-83 - NORTH RIDGE VILLAS ESTATES - APPROVED

This was a request for approval to subdivide 10.4 acres which are currently undeveloped into 35 lots, zoned Residential-6.

The property is located on the south side of Spring Forest Road, east of North Ridge Shopping Center, inside the City Limits.

CR-1899 from the Planning Commission recommended that this request be approved according to a map entitled, "North Ridge Villas Estates," the property of North Hills, Inc., drawn by Castleberry-Edgerton Company, dated February 15, 1983, revised March 25, 1983.

PA-166 - NORTH BEND OFFICE BUILDING - APPROVED WITH CONDITIONS

This was a request for approval to construct a 13,790 square foot office building on a 1.10 acre tract, zoned Office and Institution-III.

The property is located on the west side of Falls of the Neuse Road, across from Falls Church Road, inside the City Limits.

CR-1903 from the Planning Commission recommended that this request be approved according to a map entitled, "North Bend Office Building," the property of Frank Roebuck, Jr., drawn by Envirotek, Inc., dated March 1, 1983, revised March 18, 1983 and March 28, 1983, with the condition that no occupancy permit shall be issued for this building until the sidewalk is installed by the North Carolina Department of Transportation as part of the Falls of the Neuse Road widening project or by the developer. Consent Agenda approval: Walters/Upchurch - 8 ayes.

PA-167 - SOUTHERN NATIONAL BANK - APPROVED

This was a request for approval to construct a 1,975 square foot drive-in bank on a 1.15 acre tract, zoned Office and Institution-III.

The property is located on the east side of Creedmoor Road, NC 50 North, north of Leesville Road, outside the City Limits.

CR-1904 from the Planning Commission recommended that this request be approved according to a map entitled, "Southern National Bank," the property of Southern National Bank, drawn by Polier-Ballard Associates and Henry C. Hammond, dated March 17, 1983 and March 15, 1983. Consent Agenda approved: Walters/Upchurch - 8 ayes.

PA-169 - OAKS OF FAIRVIEW - APPROVED WITH CONDITIONS

This was a request for approval to construct a 23,182 square foot office complex consisting of three (3) buildings, each on its own lot, totaling 1.8 currently undeveloped acres, zoned Office and Institution-II.

The property is located on the northwest corner of Oberlin and Fairview Roads, inside the City Limits.

CR-1905 from the Planning Commission recommended that this request be approved according to a map entitled, "Oaks of Fairview," the property of Pinna and Corvette, P.A., drawn by Lewis Clarke Associates, dated February 28, 1983, revised March 18, 1983, with the following conditions: (1) That a recombination map is recorded prior to issuance of building permits; and (2) that legal documents for the cross-parking and access agreement be approved by the City Attorney's Office and recorded prior to issuance of building permits. Consent Agenda approval: Walters/Upchurch - 8 ayes.

GH-140 - SHIRE APARTMENTS, PHASE 2 - APPROVED WITH CONDITIONS

This was a request for approval to construct 90 apartment units on 16.9 acres, zoned Residential-10 (6 acres) and Conservation/Buffer (10.9 acres). The developer is transferring 30 units from the Conservation/Buffer district to developable Residential-10 land. This is the maximum density transfer allowed by the Code. The developer is dedicating in fee approximately 4.9 acres to the City of Raleigh as greenway.

The property is located on the east side of Gorman Street, adjacent to the existing Shire Apartments, outside the City Limits.

CR-1906 from the Planning Commission recommended that this request be approved according to a map entitled, "Shire Apartments, Phase 2," the property of The Shires Company, drawn by Castleberry-Edgerton Company, dated February 16, 1983, revised March 16, 1983 and March 25, 1983, which utilizes the maximum density allowed from the Conservation/Buffer district, and the acceptance of approximately 4.9 acres of greenway area dedicated in fee to the City of Raleigh. Consent Agenda approval: Walters/Upchurch - 8 ayes.

SC-186 - YMCA SIGN - APPROVED

This was a request for approval to construct a 40 square foot, freestanding sign at an existing building, zoned Shopping Center. The sign will be located in front of the building on South Bloodworth Street, approximately 25 feet back from the property line.

The property is located on the block bounded by South Bloodworth, East Lenoir, South Person and East South Streets, inside the City Limits.

CR-1907 from the Planning Commission recommended that this request be approved according to a map entitled, "YMCA Sign," the property of Spaulding and Perkins, Ltd., drawn by Boisseau Design Group, dated March 25, 1983. Consent Agenda approval: Walters/Upchurch - 8 ayes.

SC-187 - ECONO-TRAVEL MOTEL SIGN - APPROVED

This was a request for approval to construct a 69 square foot, freestanding sign for an existing motel. The existing sign will be removed.

The property is located on Holly Ridge Drive, off of Highway 70 west, adjacent to the Oak Park Shopping Center, inside the City Limits.

CR-1908 from the Planning Commission recommended that this request be approved according to a map entitled, "Econo-Travel Motel Sign," the property of Econo-Travel Lodge, drawn by Harrell Sign Company, dated February 15, 1983. Consent Agenda approval: Walters/Upchurch - 8 ayes.

SC-193 - C.E.W. AUTO PARTS SIGN - APPROVED

This was a request for approval of a 72 square foot, freestanding sign for an existing car parts business located in the downtown area, zoned Shopping Center.

The property is located between Lenoir Street and West South Street, just west of Dawson Street, inside the City Limits.

CR-1910 from the Planning Commission recommended that this request be approved according to a map entitled, "C.E.W. Auto Parts Sign," the property of C.E.W. Distributing Company, Ltd., drawn by NeoRaleigh Signs, undated. Consent Agenda approval: Walters/Upchurch - 8 ayes.

TC-189 - PLANNED UNIT DEVELOPMENT (CLUSTER UNIT DEVELOPMENT) - APPROVED AS AMENDED

This was a request for approval to amend Part 10, Chapter 2 of the Raleigh City Code to reduce the number of acres required for a Planned Unit Development (Cluster Unit Development), and to amend related sections of the Subdivision and Zoning Ordinance, as specified in the proposed ordinance attached to CR-1911.

CR-1911 from the Planning Commission recommended that the proposed ordinance, as amended, attached to CR-1911 be adopted. Consent Agenda approval: Walters/Upchurch - 8 ayes.

ORDINANCE NO. (1983) - 95 TC 179

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT REGULATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2024(s) of the Raleigh City Code relating to townhouse and unit ownership developments in Residential-1 zoning districts is hereby amended to delete therefrom "fifty (50) acres" and in lieu thereof the following is inserted: "twenty (20) acres". The words "planned unit development" are hereby replaced with the words "cluster unit development".

Section 2. Section 10-2025(e) of the Raleigh City Code relating to townhouse and unit ownership developments in Residential-4 zoning districts is hereby amended to delete therefrom "fifty (50) acres" and in lieu thereof the following is inserted: "twenty (20) acres". The words "planned unit development" are hereby replaced with the words "cluster unit development".

Section 3. Section 10-2072(b) of the Raleigh City Code relating to planned unit development is hereby amended to delete therefrom "fifty (50) acres" and "twenty (20) acres" and in lieu thereof the following is respectively inserted: "twenty (20) acres" and "ten (10) acres". The words "planned unit development" are hereby replaced with the words "cluster unit development".

Section 4. Section 10-2075.1(c)(1) of the Raleigh City Code is hereby amended to add a new sentence said sentence to follow the second sentence of 10-2075.1(c)(1) and shall read as follows: "For those developments which permit private streets, multifamily dwelling units shall be setback at least thirty (30) feet from a private drive measured from the center line of the pavement.".

Section 5. Section 10-3003 of the Raleigh City Code relating to definitions is hereby amended to add a new definition "group housing development", said new definition is to follow the definition of cul-de-sac and shall read as follows:

> "Group housing developments. A "group housing development" shall consist of two (2) or more dwelling structures on a single property, each structure consisting of at least three (3) dwelling units."

Section 6. Section 10-3003 of the Raleigh City Code relating to the definition of planned unit development is hereby realphabetized, repealed, rewritten, and reenacted to read as follows:

> "Cluster unit development. A "Cluster unit development" shall consist of residential structures on a site of at least twenty (20) contiguous acres in size in the R-1 and R-4 districts or at least ten (10) acres in other districts where the developers of the land may reduce the size of individual lots as set forth in Section 10-3071.".

Section 7. Section 10-3071(b) of the Raleigh City Code relating to cluster unit development standards is hereby repealed, rewritten, and reenacted to read as follows:

"(b) Standards. The developers of land under unified control which consists of twenty (20) acres or more in the R-1 and R-4 districts or ten (10) acres or more in other districts may reduce the size of individual lots and provide different housing styles such as townhouses, group housing, and multifamily as permitted by these regulations and the zoning ordinance by receiving subdivision approval in accordance with this chapter and in conformity with the following:

(1) Density. The number of dwellings and dwelling units which may be established shall not exceed the allowable residential density for the zoning district.

(2) Dimensional yard requirements. The following setbacks shall apply to cluster unit developments:

a. Group housing developments, multifamily dwellings, townhouse developments, and condominium developments shall comply with Section 102075, 102075.1, 102072(d) and 102072(c) respectively.

b. Single family dwellings shall comply with the following yard requirements:

1. Street yards. No structure shall be located closer than thirty (30) feet from a private drive, measured from the center line of the pavement. No structure shall be located closer than fifteen (15) feet from public street rights-of-way.

2. Rear yard. The rear yard shall not be less than thirty (30) feet, except when the rear yard adjoins a public street or private drive the setback shall be calculated in accordance with subsection (2)(b)1 above.

3. Aggregate front and rear yards. The aggregate setbacks of front and rear yards shall not be less than forty-five (45) feet.

4. Aggregate side yards. The aggregate width of the side yards shall not be less than fifteen (15) feet.

c. It is recognized that cluster unit developments contain a broad range of housing styles including condominiums; townhouses; multifamily; and group housing, and special regulations are established to protect adjoining properties. The peripheral yard spaces established in this section are supplemental to other required yard spaces; however, these other yard spaces may be utilized to satisfy the requirement of the peripheral yard regulations if they otherwise comply with the special peripheral yard regulations. When a cluster unit development adjoins or abuts properties zoned either R-1 or R-4, the peripheral lots for those portions of the cluster unit development are required to:

1. contain a single family dwelling on its own lot with a minimum lot size of ten thousand eight hundred ninety (10,890) square feet and dimensional yard requirements which comply with the R-4 zoning district; or

2. contain peripheral yards of at least fifty (50) feet in width, except lots with detached family dwellings are required to contain thirty (30) feet in width minimum peripheral yards. No off-street parking spaces; loading areas; driveways; except for a driveway which exclusively serves one single family dwelling or a joint driveway which serves only two single family dwellings; or buildings are allowed within peripheral yard spaces. No building over twenty-five (25) feet in height shall be located on a lot with a peripheral yard space, provided such buildings may be constructed to a height over twenty-five (25) feet if one foot of additional width is added to each peripheral yard for every foot of height over twenty-five (25) feet.

d. Minimum Lot. A cluster unit development with approved utility systems, including wells and septic tank systems, shall be exempt from the minimum lot sizes specified in the zoning ordinance except as specified in this subsection (b)(2), but in no case shall the lot size be less than sixty-five (65) percent of the minimum zoning lot size.

(3) Block rhythm. To assure a diversity of block face rhythm which is essential to the economic and aesthetic interests of the city, no more than five (5) contiguous building envelopes can be of similar setback from a public street or private drive; the offset must be a minimum of five (5) feet and contain at least three (3) contiguous building envelopes. The term, similar as used herein means deviations of three or less feet.

(4) Parking to street relationship. Automobile parking spaces and drives located in a minimum front yard space shall not occupy more than one-half of said yard space, except this provision shall be inapplicable to underground parking areas. Within an area formed by a street right-of-way and a line fifteen (15) feet from and parallel to this street right-of-way, or thirty (30) feet from the center line of a private drive, no more than one-half of this area may be used for off-street parking.

(5) Refuse collection. Private access driveways must be provided where there is a distance of more than one hundred fifty (150) feet from a public street or alley to points of refuse collection. Such driveways shall have a minimum clear width of twelve (12) feet except at curves on a center line radius of less than fifty (50) feet at which location driveway widths shall be sixteen (16) feet. Paving widths may vary from ten (10) to fourteen (14) feet. Garbage cans, dumpsters and utility meters shall be permanently screened from view of the right-of-way.

(6) Open space standards. At the discretion of the developer, a cluster unit development may utilize a range of lot sizes not in conflict with the minimum specified above and provided that land shall be designated as parks or open space. Except in R-1 district, parks or open spaces shall be not less than ten percent (10%) of land area of the cluster unit development, excluding private drives, and off-street parking areas, deeded to the city or held in nonprofit corporate ownership by the owners of lots within the development. In consideration of the purpose served by a cluster unit development, the title to such park, or open space property shall be preserved to the perpetual benefit of the private properties in the development or for the public in general, and shall be restricted against private ownership for any other purposes. If the corporation desires, improvements may be made within the open space, provided that the maximum coverage of such improvements shall not exceed twenty-five (25) percent of the open space.

(7) Miscellaneous provisions.

a. Access to open space. All dwelling units shall have free and easy ingress and egress to and from the open space provided within the development by means of improved streets or walkways. Rights-of-way for such access shall be shown on the preliminary subdivision plat.

b. Open space provisions. If the open space is deeded to a homeowners' association or any nonprofit ownership, the developer or owner shall record a declaration of covenants and restrictions that will govern the open space of the association or nonprofit organization. This shall be submitted prior to the recording of any plats. Provisions shall include but not be limited to the following:

1. The homeowners' association shall be established before the homes are sold.
2. Membership shall be mandatory for each home buyer and any successive buyer.
3. The association shall be responsible for the liability insurance, local taxes and the maintenance of recreation and other facilities.
4. Any sums levied by this association that remain unpaid shall become a lien on the individual homeowner's property.
5. If all or any portion of property held by the association is being disposed of, or if the association is dissolved, the open space shall be first deeded to the city.
6. The right of use of the open spaces is guaranteed to each resident of the total cluster unit development.

c. Legal Documents. If the cluster unit development contains condominium units; townhouse units; or both, then the legal documents which are required for these types of units shall be submitted and recorded in accordance with Sections 10-3072 and 10-3073. Prior to the issuance of any building permit for a detached single family unit located closer than five (5) feet from a lot line, a perpetual access easement over the adjoining lot must be recorded.

d. Administration. A preliminary plat of a proposed cluster unit development project and a final plat of the development shall be submitted pursuant to the provisions of this chapter. The plats shall also show dimensioned maximum building envelopes for each lot within the cluster unit development, the location of: all driveways, all private drives and all common areas to be conveyed to a nonprofit corporate homeowners' association, and the boundaries of the cluster unit development and the zoning classification at these boundaries. No permit authorized by this code will be issued for any lot within a cluster unit development until a site plan showing the location of: refuse collection and utility lines and meters, parking areas, streets both public and private, recreation areas and facilities, buildings and their height, the boundaries of the cluster unit development and the zoning classification at these boundaries, and any further information which may be required to assure any further compliance with the

provisions of this code. The term building envelope as used herein means the maximum allowable area of a lot within which a single family residence may be constructed pursuant to Section 10-3071(b)(2)b and 10-3071(b)(2)c.

e. Expiration. In any case where a cluster development has been approved and construction not begun within one year from the date of such approval, approval shall automatically terminate and be of no further effect; provided; however, the Council may upon good and sufficient cause shown, extend this period for one additional year upon written request of the applicant.

f. Annexations to Cluster Unit Developments. Lands which were not part of the approved cluster unit development may be annexed to the cluster unit development if the new lands are contiguous to the approved cluster unit development, contain at least five acres, and are not in conflict with required legal documents.

(8) Phased development. A cluster unit development in any district may be developed in phases of five (5) or more acres provided that:

a. The entire project including phase lines, receives approval before any phase of the development begins;

b. The number of dwelling units in the developed phases conforms to the density requirements for the zoning district;

c. The amount of open space land conveyed to either the homeowners association or the City and the expenditures for required subdivision improvements in each phase bear a reasonable pro rata share to the entire development based on the number of dwelling units.

Cross reference zoning, Part 10, Ch. 2.".

Section 8. The second sentence of Subsection 10-3072(a) of the Raleigh City Code relating to condominium subdivision regulations is hereby repealed rewritten, and reenacted to read as follows: "Such declaration and plan shall conform to applicable subdivision requirements as set forth in this chapter and to the zoning requirements as set forth in Chapter 2 of this part; including for all condominiums built after (the effective date of this ordinance), the design standards for group housing developments; however, in lieu of the group housing yard standards, residential condominiums located within cluster unit developments with only one or two dwelling units in a single building on its own lot may conform to the yard standards of 10-3071(b)(2)b and 10-3071(b)(2)c."

Section 9. Subsection 10-2072(c) of the Raleigh City Code relating to condominium zoning regulations is hereby amended to add a new sentence, said new sentence is to follow the first sentence of subsection 10-2072(c) and shall read as follows: "All condominiums built after 5-3-83 (effective date of this ordinance) shall conform to the design standards for group housing developments: however, in lieu of the group housing yard standards, residential condominiums located within cluster unit developments with only one or two dwelling units in a single building on its own lot may conform to the yard standards of 10-3071(b)(2)b and 10-3071(b)(2)c.".

Section 10. The last sentence of subsection 10-3073(b) of the Raleigh City Code is hereby repealed, rewritten, and reenacted to read as follows: "Except for detached single family residences and two attached single-family residences located within cluster unit developments which may conform to the yard standards of 10-2071(b)(1)b, and 10-2071(b)(2)c, the design standards for group housing developments as set forth in Chapter 2 of this part shall be applicable to townhouse developments and in addition, the following requirements shall be complied with;".

Section 11. The words "planned unit development" appearing in the title of Section 10-3071 are hereby replaced with the words "cluster unit development". The words "planned unit development "Wherever they appear in Section 10-3074 of the Raleigh City Code are hereby replaced with the words "cluster unit development".

Section 12. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 13. The ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 14. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 15. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Section 16. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 17. This ordinance shall become effective fourteen days following its adoption.

Adopted: 4/19/83

Effective: 5/3/83

REZONING Z-28-83 - BUFFALO ROAD - DENIED

This was a request for approval to rezone approximately .75 acre from Residential-4 to Neighborhood Business.

CR-1912 from the Planning Commission recommended that Z-28-83 be denied. Consent Agenda approval: Walters/Upchurch - 8 ayes.

REZONING Z-30-83 - ROGERS LANE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 90 acres from Residential-4 to Conservation/Buffer (39.8 acres) and Residential-10 (50.2 acres).

ORDINANCE NO. (1983) 96 ZC 119

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) U.S. 64 East, 500 feet northward, between New Hope Road and State Road 2216, being portions of Parcels 13 and 15, Tax Map 498, approximately 60 acres rezoned to Industrial-I District, according to map on file in the City of Raleigh Planning Department. (Z-29-83)

(b) Rogers Lane, south end, in the fork formed by the juncture of Crabtree Creek and the Neuse River, being Parcel 152, Tax Map 556, approximately 90 acres rezoned to Conservation/Buffer (39.8 acres) and Residential-10 (50.2 acres) as shown on the survey map entitled "First Presbyterian Church of Raleigh", dated October, 1981, and drawn by Robert T. Newcomb, III, Registered Land Surveyor, on file in the City of Raleigh Planning Department. (Z-30-83)

(c) Falstaff Road, south side, between Luther Road and Swimburne Street, being a portion of Parcel 240, Tax Map 554, approximately 5.5 acres rezoned to Office and Institution-I District, according to map on file in the City of Raleigh Planning Department. (Z-32-83)

(d) Rush Street, south side, between Boone Trail and Sheldon Drive, being Parcel 55, Tax Map 632, approximately 1 acre rezoned to Neighborhood Business District. (Z-34-83)

(e) North Blount Street, west side, between East North and Polk Streets, being a portion of Parcel 110, Tax Map 524, approximately four tenths of an acre rezoned to Office and Institution-II District, according to map on file in the City of Raleigh Planning Department. (Z-37-83)

(f) North Blount Street, east side, between Polk and Peace Streets, being Parcel 6, Block G-98, Tax Map G-17, approximately one-half acre rezoned to Office and Institution-II District. (Z-38-83)

(g) Farm Gate Road, north end, between Buck Jones Road and Bashford Road, being a portion of Parcel 21 (and 592), Tax Map 547, approximately 18 acres rezoned to Residential-10, according to the surveyed map, labeled "Exhibit A: on file with the application in the Raleigh Planning Department. (Z-43-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective on the date of adoption, April 19, 1983.

Adopted: 4/19/83

Effective: 4/19/83

CR-1914 from the Planning Commission recommended that Z-30-83 be approved as requested. Consent Agenda approval: Walters/Upchurch - 8 ayes.

REZONING Z-32-83 - FALSTAFF ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 5.5 acres from Residential-6 to Office and Institution-I.

CR-1915 from the Planning Commission recommended that Z-32-83 be approved as requested. Consent Agenda approval: Walters/Upchurch - 8 ayes. See Ordinance 96 ZC 119.

REZONING Z-33-83 - OLD GARNER ROAD - DENIED WITHOUT PREJUDICE

This was a request for approval to rezone approximately 3/4 acre from Residential-10 to Neighborhood Business.

CR-1916 from the Planning Commission recommended that Z-33-83 be denied without prejudice. Consent Agenda approval: Walters/Upchurch - 8 ayes.

REZONING Z-34-83 - RUSH STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one (1) acre from Residential-10 to Neighborhood Business.

CR-1917 from the Planning Commission recommended that Z-34-83 be approved as requested. Consent Agenda approval: Walters/Upchurch - 8 ayes. See Ordinance 96 ZC 119.

REZONING Z-37-83 - NORTH BLOUNT STREET - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately four tenths (.4) of an acre from Residential-30 to Office and Institution-I.

CR-1918 from the Planning Commission recommends that Z-37-83 be approved as amended; that is, that the property contained in Z-37-83 be rezoned to Office and Institution-II. Consent Agenda approval: Walters/Upchurch - 8 ayes. See Ordinance 96 ZC 119.

REZONING Z-38-83 - NORTH BLOUNT STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one-half (½) acre from Residential-30 to Office and Institution-II.

CR-1919 from the Planning Commission recommended that Z-38-83 be approved as requested. Consent Agenda approval: Walters/Upchurch - 8 ayes. See Ordinance 96 ZC 119.

REZONING Z-42-83 - PENWOOD DRIVE - DENIED WITHOUT PREJUDICE

This was a request for approval to rezone approximately 2.9 acres from Residential-6 to Residential-10.

CR-1920 from the Planning Commission recommended that Z-42-83 be denied without prejudice. Consent Agenda approval: Walters/Upchurch - 8 ayes.

REZONING Z-43-83 - FARM GATE ROAD - APPROVAL - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 18 acres from Residential-6 to Residential-10.

CR-1921 from the Planning Commission recommended that Z-43-83 be approved as requested. Consent Agenda approval: Walters/Upchurch - 8 ayes. See Ordinance 96 ZC 119.

REZONING Z-44-83 - ASBURY DRIVE - DENIED

This was a request for approval to rezone approximately four (4) acres from Residential-10 to Residential-30.

CR-1922 from the Planning Commission recommended that Z-44-83 be denied. Consent Agenda approval: Waters/Upchurch - 8 ayes.

END OF PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION - S-43-83 - GLENWOOD EXECUTIVE CENTER - REFERRED TO THE PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 32.23 acre tract into four lots zoned Office and Institution-I, Office and Institution-III and Conservation/Buffer. The site is currently developed with several residential structures. The property is located on the east side of Glenwood Avenue just north of Morehead Drive inside the City Limits. Vice-Chairman Woodlief from the Planning Commission presented CR-1900 in which the Planning Commission recommends that the request be approved according to a map entitled, "Glenwood Executive Center" the property of Clancy and Theys, drawn by J. N. Pease, Associates dated March 18, 1983 with the following provisions:

1. That the off-site sanitary sewer easements are obtained and recorded prior to recording the final plat;
2. That cross access agreements for the four lots are recorded and;
3. That the northern entrance is redesigned in conformance with the City and State DOT requests.

Mr. Edwards indicated he requested that this be withdrawn from the Consent Agenda pointing out this is a four lot subdivision on Glenwood Avenue and there is a site plan going through the review process at this point. He indicated the map enclosed in the Agenda shows some encroachments that he would be opposed to and he would like to study this further. Therefore, HE WOULD REQUEST THAT SUBDIVISION S-43-83 - GLENWOOD EXECUTIVE CENTER BE REFERRED TO THE PUBLIC WORKS COMMITTEE AND HELD UNTIL

THE SITE PLAN COMES THROUGH. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

SUBDIVISION - S-44-83 - PLEASANT RIDGE ESTATE SECTION 18 - APPROVED WITH CONDITIONS

This was a request for approval to subdivide 12 acres into 37 lots zoned Residential-4. The property is located on the southside of the new Interstate 40 at the west end of Sierra Drive outside the City Limits. Vice-Chairman Woodlief from the Planning Commission presented CR-1902 in which THE PLANNING COMMISSION RECOMMENDED THAT THIS REQUEST BE APPROVED ACCORDING TO A MAP ENTITLED, "PLEASANT RIDGE ESTATES, SECTION 18" THE PROPERTY OF EASTMAN AND COMPANY, INC. DRAWN BY JOHN W. HARRIS DATED FEBRUARY 21, 1983 WITH THE CONDITION THAT THERE NOT BE ANY REIMBURSEMENT FOR THE SEWER SYSTEM. Mr. Keller indicated he had requested that this be withdrawn from the Consent Agenda indicating there seem to be some question as to who would own and maintain the pump station. Public Utilities Director Butler indicated the staff report, erroneously indicated the pump station would be owned and maintained by the developer. He indicated that facility should be owned and maintained by the City due to the fact that both lots are proposed are annexation and there is no way to serve it by gravity flow. Mr. Keller MOVED APPROVAL OF THE SUBDIVISION AS RECOMMENDED BY THE PLANNING COMMISSION AND WITH THE UNDERSTANDING OUTLINED BY THE PUBLIC UTILITIES DIRECTOR. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

TC-230 - PARKING LOT LANDSCAPING - APPROVED

This was a request for approval to make certain modifications to the present landscaping regulations (Section 10-2061)(c) in the off-street parking areas. Vice-Chairman Woodlief presented CR-1923 in which the Planning Commission RECOMMENDS THAT TC-230 BE APPROVED AND ADOPTED ACCORDING TO THE PROPOSED ORDINANCE ATTACHED TO CR-1923.

Mr. Upchurch indicated he had requested that this be withdrawn from the Consent Agenda indicating he feels that this is a very good step and a great improvement to our present landscaping ordinance. He commended the Planning Commission for their work indicating the other changes will need to be made relating to parking lot landscaping and development. He stated, however, this is a good step in the right direction and would move approval of the Planning Commission's recommendation. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) - 97 TC 180

AN ORDINANCE TO CLARIFY EXISTING CITY REGULATIONS CONCERNING LANDSCAPING OF PARKING LOT AREAS

WHEREAS, on May 1, 1979 the Raleigh City Council enacted Ordinance No. 1979-79 TC 104; and

WHEREAS, said ordinance is unspecific about additions to exempted parking lots; and

WHEREAS, administration of said ordinance is difficult because it is silent about how far from parking areas trees may be located in peripheral areas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. The third sentence of the first paragraph of subsection 10-2061(c) of the Raleigh City Code is hereby repealed in its entirety so that bare dirt and crushed rock may not be used as landscaping. Said sentence is rewritten and reenacted to read as follows: "This five-foot yard shall include live vegetation ground cover, grass, trees, or shrubs, and may include walls and fences.".

Section 2. The first paragraph of subsection 10-2061(c) of the Raleigh City Code is hereby amended to add a new sentence; said sentence is to follow the fourth sentence, last sentence, of 10-2061(c) and it shall read as follows: "Any parking lot built before the effective date of this ordinance (June 4, 1979) which is improved by an addition of four (4) or more spaces shall in its entirety conform with the five (5) foot minimum yard area requirements.".

Section 3. The first sentence of the second paragraph of Subsection 10-2061(c) of the Raleigh City Code is hereby repealed in its entirety so that trees may be located nearer parking areas. Said sentence is rewritten and reenacted to read as follows: "These planting areas are to be located within the parking area as tree islands, at the end of parking bays, within seven-foot medians between rows of cars, or within ten (10) feet of a parking space, shown on the drawing required in 10-2061(b).".

Section 4. The third sentence of the second paragraph of subsection 10-2061(c) of the Raleigh City Code is hereby repealed in its entirety so that trees may be located nearer parking areas. Said sentence is rewritten and reenacted to read as follows: "These planting areas are to be located within the parking area as tree islands, at the end of parking bays, within seven-foot medians between rows of cars, or within ten (10) feet of a parking space, shown on the drawing required in 10-2061(b).".

Section 5. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 7. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 9. This ordinance shall become effective upon its adoption.

Section 10. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Adopted: 4/19/83

Effective: 4/19/83

SUBDIVISION S-36-82 - VALLEY GLEN TOWNHOMES - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct 92 townhouse units on 9.20 acres of currently undeveloped land zoned Residential-10 located at the southwest corner of Glen Eden Drive and the Beltline inside the City limits. Vice-Chairman Woodlief presented CR-1896 in which the Planning Commission RECOMMENDED THAT THIS REQUEST BE APPROVED ACCORDING TO A MAP ENTITLED "VALLEY GLEN TOWNHOMES" THE PROPERTY OF FIRST RALEIGH PROPERTIES DRAWN BY ENVIROTEK, INC. DATED APRIL 18, 1983 WITH THE FOLLOWING CONDITIONS:

1. THAT THE DEVELOPER BE RESPONSIBLE FOR CUL-DE-SACING WESTBURY DRIVE AND;
2. THAT THE LEGAL DOCUMENTS FOR THE NON-PROFIT HOMEOWNERS ASSOCIATION BE REVIEWED AND APPROVED BY THE CITY ATTORNEY'S OFFICE PRIOR TO RECORDING OF THE FINAL PLats.

Brief discussion took place with it being pointed out that there was some question about the cul-de-sacs, after which Mr. Edwards moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REZONING Z-29-83 - U.S. 64 EAST - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 60 acres from Residential-6 to Industrial-I. The property is located on U.S. 64 East, 500 feet northward between New Hope Road and State Road 2216. Vice-Chairman Woodlief presented CR-1913 in which THE PLANNING COMMISSION RECOMMENDED THAT REZONING Z-29-83 BE APPROVED AS REQUESTED. Mr. Jordan moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 96 ZC 119.

COMMITTEES, COMMISSIONS, BOARDS

FAIR HOUSING HEARING BOARD - NOMINATIONS MADE

The City Clerk reported one vacancy one the Fair Housing Hearing Board as Thomas Hall, who was recently appointed has moved out of town. No nominations have been made. Mr. Jordan nominated Robert Learoyd. No further action was taken.

CIVIL SERVICE COMMISSION - NO ACTION TAKEN

The City Clerk reported one vacancy on the Civil Service Commission due to the resignation of the management representative - Allie M. Peebles. No nominations have been made. Mr. Calloway indicated he had been talking with someone, but would like to hold this item to the next meeting. No further action was taken.

DOWNTOWN ADVISORY BOARD - AT LARGE REPRESENTATIVES APPOINTED

The City Clerk reported the Council has appointed the 16 nominees from various groups as members of the Downtown Advisory Committee. She indicated Council members received a listing of those members for their information.

The Clerk reported there are four at-large slots on the Downtown Advisory Committee and nominations include the following: Oakley Herring, Betty Twiggs, Clarence Coleman, Bernie Reeves, Bill Rustin, Frank Anderson, Jr., and Oppie Jordan. Nominations have not been closed. There being no further nominations Mr. Upchurch MOVED THAT NOMINATIONS TO THE DOWNTOWN ADVISORY COMMITTEE AT-LARGE SLOTS BE CLOSED. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTIVE.

A ballot vote resulted as follows: Herring - 4 (Keller, Walters, Upchurch, York); Twiggs - 6 (Calloway, Jordan, Babb, Edwards, Upchurch, York); Coleman - 4 (Calloway, Jordan, Babbs, Keller); Reeves - 6 (Calloway, Jordan, Edwards, Keller, Walters, York); Rustin - 0; Anderson - 6 (Babb, Edwards, Keller, Walters, Upchurch, York); Jordan - 6 (Calloway, Jordan, Babb, Edwards, Walters, Upchurch). The Mayor announced the appointment of Betty Twiggs, Bernie Reeves, Frank Anderson, Jr. and Oppie Jordan to the at-large slots on the Downtown Advisory Committee.

The City Clerk indicated the Council now needs to appoint a chairperson. It was agreed to hold this action until the next meeting at which time the Clerk would provide a total membership list.

GREENWAY COMMISSION - LEON LUCAS REAPPOINTED

The City Clerk reported the term of Leon Lucas expires May 19, 1983 and he has been nominated for reappointment by Mr. Upchurch. Nominations have not been closed. There being no further nominations, Mr. Keller MOVED THAT NOMINATIONS TO THE GREENWAY COMMISSION BE CLOSED AND LEON LUCAS APPOINTED BY ACCLAMATION. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

PLANNING COMMISSION - NOMINATIONS MADE

The City Clerk reported the term of Thomas C. Worth, Jr. expires June 2, 1983 and he is eligible for reappointment and his attendance record is good. No nominations have been made. Mr. Upchurch nominated Thomas C. Worth, Jr. for reappointment. No further action was taken.

RSVP ADVISORY COUNCIL - COUNCILMAN KELLER APPOINTED

The Clerk reported the Retired Senior Volunteer Program needs a sponsor representative to serve on their Advisory Board which meets monthly. This person could be a City Council person or someone appointed by the Council. Mildred Fish has served in this capacity during the past year but does not wish to be reappointed. The Advisory Council has requested that Councilman Keller be appointed to serve in this capacity. If the Council concurs, it would be appropriate to appoint Mr. Keller. Brief discussion took place and Mr. Edwards MOVED THAT COUNCILMAN KELLER BE APPOINTED AS THE COUNCIL REPRESENTATIVE ON THE RSVP ADVISORY BOARD. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

TRAFFIC - SIGNALIZATION OF SHELLEY/NORTH HILLS DRIVE - ADMINISTRATION TO WRITE STATE DOT

Chairman Jordan reported the Law and Finance Committee RECOMMENDS WRITING TO THE STATE DOT AND ASKING THEM TO PROCEED WITH THEIR WORK WITH THE SIGNALIZATION OF THE INTERSECTION OF SHELLEY ROAD AND NORTH HILLS DRIVE INTERSECTION AND ATTEMPT TO GET IT COMPLETED BY THE TIME THE NORTH HILLS DRIVE EXTENSION IS COMPLETED, WHICH IS JULY, 1983. On behalf of the committee, he moved the recommendations be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

STREET CONSTRUCTION - IONA PLACE - REMOVED FROM THE AGENDA

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THIS ITEM BE REMOVED FROM THE AGENDA WITH NO ACTION TAKEN AS THE COMMITTEE WAS ADVISED THAT THE BRICKHOUSES ARE IN THE PROCESS OF CONSTRUCTING THE STREET AND THE WORK SHOULD BE COMPLETED PRIOR TO THE EXPIRATION OF THE CERTIFICATE OF DEPOSIT. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PEDESTRIAN MALL - OUTDOOR DINING - ORDINANCE ADOPTED

Mr. Jordan indicated Council members will receive in their Agenda packets a proposed ORDINANCE WHICH WILL ALLOW OUTDOOR DINING ON PEDESTRIAN MALLS IN THE CITY OF RALEIGH PROVIDED CERTAIN CONDITIONS AND GUIDELINES ARE MET and on behalf of the Law and Finance Committee he would move adoption of the ordinance as presented. His motion was seconded by Mr. Calloway. Mr. Upchurch indicated the ordinance went out to Council in the Agenda packet on Friday. He stated he did know how many places would be able to comply with the regulations, pointing out it is his understanding in the 200 and 300 block possibly no business would be eligible. However, possibly one business in the one hundred block and one in the four hundred block would comply. He stated he did not know how the proposed ordinance would affect other malls throughout the City. He stated he sees some forms of discrimination in this ordinance questioning why allow food and not allow other things. He stated maybe this should go to

public hearing before further consideration pointing out he was not saying he was for or against the proposal. He stated he would make a substitute motion that this item be scheduled for public hearing hopefully at the next Council meeting. He stated he was just not sure about the proposal at this point, as it would allow the sale of some things on the Mall and not others. He stated he just had some questions he would like answered. His substitute motion was seconded by Mr. Walters. Mr. Walters indicated his concern is what constitutes a pedestrian mall as he was wondering if this would include only Fayetteville Street Mall or would it include Exchange Plaza and Martin Street Plaza. Mr. Jordan indicated the City Attorney helped the Law and Finance to draft this ordinance. He stated we are talking about pedestrian malls only, not necessarily the Fayetteville Street Mall. City Attorney McCormick explaining the Code defines a pedestrian mall and right now the only pedestrian malls we have are Fayetteville Street, Exchange and Martin Plaza. He stated no other place will be considered a pedestrian mall unless the City Council designates that area a pedestrian mall.

Mr. Edwards indicated the question was raised in committee as to whether to go to public hearing. He indicated he is for the ordinance but would support a public hearing to get additional input. Lengthly discussion took place on the proposal, what it would and would not allow with Ms. Babb pointing out, she felt it was a very good ordinance. She stated she supports it now and would support it in two weeks. However, she is always open to have public hearings and see what people have to say about something. Lengthly discussion followed with various Council members voicing their opinion on the proposal, the need for a public hearing and various questions they had about the proposal.

Mr. Upchurch indicated he did have a problem in saying that you could consume alcoholic beverages on the Mall, but you could not assume them in the parks. He questioned if there is not some discrimination in allowing alcohol to be consumed on some public property and not on the others. City Attorney McCormick indicated this would be allowing alcoholic beverages on portions of the pedestrian malls. He indicated there was no requirement anywhere that we must treat all City properties alike. He explained that alcoholic beverages are allowed, presently, on some City properties such as Mordecai Square, Raleigh Little Theatre, etc. Mr. Walters indicated he just felt we needed to go to public hearing, pointing out any area of the City could pull together and call itself a mall, with the City Attorney again indicating this ordinance just relates to pedestrian malls that are designated pedestrian malls by the City Council. Lengthy discussion followed on previous discussion surrounding outdoor dining on the mall. Mayor York indicated we have had a lot of public input, may be not on this particular ordinance, but he feels like the matter has been researched and we have had a lot of public input. Mr. Jordan indicated the issue has been debated for the past six years, and he feels that we have had input from the public. He explained that the vending carts we presently have, have worked well. He stated everyone wants to do something to revitalize the downtown and the City has spent a lot of money. He feels it is time to do something. He stated he did not feel that we would hear anything different at the public hearing that has been presented in the past. He pointed out there may be a need to amend the ordinance down the line if something does not work, however, but he feels that it is time for us to do something to give people who are in the downtown area something to do. Mr. Edwards indicated that vending on the Mall was discussed in Public Works Committee at length. He stated as far as the proposed ordinance is concerned, he feels that he can support it and will support it, but questioned why not let it go ahead to public hearing as he agrees with the principal of public hearings. Mr. Jordan again stated he had nothing against public hearing, but we have had almost continuous debate and discussion on this matter for six years and he feels it is time to go ahead and do something. Discussion took place on the number of businesses that would qualify, if there are areas that would not qualify, etc. Ms. Babb indicated she is in support of the ordinance, but she does feel it should go to public hearing. Brief discussion took place and the substitute motion to refer the item to public hearing was put to a vote with results as follows: ayes - Edwards, Upchurch, Babb, Walters; noes - Jordan, Calloway, Keller, York. THE MAYOR RULED THE MOTION DEFEATED. After other discussion, the original motion, as put forth by the Law and Finance Committee, was put to a vote which resulted in all members voting in the affirmative except Mr. Upchurch and Mr. Walters who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) - 98

AN ORDINANCE TO AMEND SECTION 9, CHAPTER 7 AND SECTION 7, CHAPTER 2 OF THE RALEIGH CITY CODE RELATING TO PEDESTRIAN MALLS

WHEREAS, the City of Raleigh has opened and is operating several pedestrian malls and may open others in the future; and

WHEREAS, the City Council of the City of Raleigh feels that the addition of outdoor dining on the pedestrian malls would lend a festive and more social air to the malls; and

WHEREAS, it is believed that outdoor dining can be allowed without interfering with the free flow of pedestrian traffic on the malls; and

WHEREAS, it is believed that outdoor dining will aid in the redevelopment and revitalization of the downtown area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 7-2001(a)(3) of the Raleigh City Code is hereby repealed and rewritten to read as follows:

"(3) no person shall engage in any work or activity which shall in any way obstruct or tend to obstruct any street, sidewalk or other public place except those operating according to a valid permit issued pursuant to Section 9, Chapter 7 of the Raleigh City Code.".

Section 2. That Section 9-7004(a) of the Raleigh City Code is hereby repealed and rewritten to read as follows:

"(a) Permit required. Any person or group, except those holding a valid city picketing permit issued pursuant to Section 12-1056 of the City Code, or an outdoor restaurant dining permit issued pursuant to Section 9-7007 of the City Code, presenting any concert, performance, exhibition, ceremony or other activity tending to create a public congregation shall require a special event permit.".

Section 3. That a new Section 12-4007 be added to the City Code and that it read as follows:

"Sec. 12-4007 Consumption of Intoxicating Liquor on Pedestrian Malls.

(a) Notwithstanding the provisions of Sec. 12-4001 of the City Code, the consumption of alcoholic beverages, as defined by Chapter 18-B of the General Statutes of North Carolina, shall be lawful upon those areas of the City's pedestrian malls for which outdoor dining permits have been issued pursuant to Section 9-7007 of the City Code.".

Section 4. That a new Section 9-7007 of the Raleigh City Code is hereby created to read as follows:

"Sec. 9-7007. Outdoor Restaurant Dining

(a) Permit required. No restaurant operator shall use any portion of any pedestrian mall as defined by this chapter for the operation of a restaurant without first obtaining a permit.

(b) Permit procedure. An application for an outdoor dining permit shall be made in writing to the City Manager or his designee. The permit shall be granted if it is found that:

(1) The restaurant has frontage on a pedestrian mall so that the mall and the building in which the restaurant is located share a common boundary line.

(2) There is a minimum 19 foot distance between the common property line shared by the restaurant and the mall and the nearest planter, bench or other permanent fixture on the mall, or the street furniture appurtenant thereto. This distance shall be measured along a line perpendicular to the property line and extending from the property line to the obstruction.

(3) The applicant submits a valid insurance policy which will indemnify the City for damages to the physical mall and for any damages which the City might incur due to personal injury or property damage incurred by anyone due to the use of the mall for dining. The minimum liability limits of the policy shall be $500,000.

(4) The applicant shall pay a license fee of $75 per fiscal year or part thereof during which he intends to operate on the Mall.

(c) Permittees' obligations. Any person granted a permit pursuant to this section shall conform to the following requirements:

(1) As long as the minimum 19 foot width is available, the permittee may use up to 50% of the available width except that in no case shall be width used by the permittee exceed 25% of the width of right-of-way of the mall in front of the location for which the permit is issued. The area designated for use shall be set out in the permit as an addendum thereto and may not be expanded during the life of the permit.

(2) The area to be used for restaurant purposes shall be fenced off and separated from the rest of the Mall by a barrier not to exceed three feet in height and conforming to the general architectural and aesthetic character of the Mall and the surrounding development. Any such barrier shall also meet the requirements of the Wake County Health Department. The barrier shall be portable and shall be placed in a manner so as not to damage the surface of the Mall.

(d) Special circumstances. In an area of a Mall where the requirements of Section 9-7007 are met but in which the City Manager or his designee feels pedestrian flow will be seriously disrupted, a permit shall be denied. The

applicant may appeal such a denial to the City Council which may uphold the Manager's decision or may grant the permit. Likewise, in areas which do not meet the strict distance requirements, the City Council may allow a permit upon the affirmative showing by the applicant that pedestrian flow will not be impeded and that no health or safety hazards are created.

(e) Revocation of permits. Violation of any of the laws and regulations relating to the operating of outdoor dining areas will be grounds for the revocation of a permit. The City Manager shall cause notice of all such violations to be given to the City Council which shall hold a hearing to determine whether to revoke the permit. The Council may consider all relevant matters at such a hearing including the gravity of the violation, the frequency of violation and past operations.".

Section 5. All laws and portions of laws in conflict herewith are hereby repealed to the extent of such conflict.

Adopted: 4/19/83

Effective: 4/19/83

TRAFFIC - SPEED LIMITS ON KNOLLWOOD DRIVE - REMOVED FROM THE AGENDA; ADMINISTRATION TO LOOK AT POSSIBILITY OF YIELD SIGNS

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THIS ITEM BE REMOVED FROM THE AGENDA WITH NO ACTION TAKEN. He stated with the concurrence of the Committee he would also request THAT ADMINISTRATION BE ASKED TO EVALUATE THE POSSIBILITY OF YIELD SIGNS AT THE INTERSECTIONS OF KNOLLWOOD DRIVE AND ROSEHAVEN, MYRTLE WOOD AND FARLEY. On behalf of the committee, he moved the recommendation as amended be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

TRAFFIC - SIGNALS AT SANDY FORKS/SIX FORKS ROAD AND CONSTRUCTION OF TURNING LANE AT LONGSTREET DRIVE - ADMINISTRATION TO WRITE STATE DOT

Chairman Jordan reported the Law and Finance Committee RECOMMENDS WRITING TO THE STATE DOT EXPRESSING APPRECIATION FOR THEIR EXPEDITING THE SIGNALIZATION OF LYNN ROAD AND SIX FORKS ROAD AND FURTHER REQUEST THAT THEY CONTINUE TO DELAY CONSIDERATION OF THE RELOCATION AND SIGNALIZATION OF SANDY FORKS ROAD/SIX FORKS ROAD OPPOSITE NORTH CLIFF DRIVE. He indicated the committee also RECOMMENDS WRITING TO THE STATE DOT AGAIN REQUESTING THEM TO EXPEDITE THE CONSTRUCTION OF THE TURNING LANE AT LONGSTREET DRIVE. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

TEXT CHANGE PROPOSAL - LIMITED HOME BUSINESS/HOME OCCUPATIONS - PUBLIC HEARING AUTHORIZED

Chairman Jordan reported the Law and Finance Committee RECOMMENDS ADVERTISING FOR PUBLIC HEARING A TEXT CHANGE WHICH WOULD CLARIFY THE ZONING CODE AS IT RELATES TO HOME OCCUPATIONS TO THE EXTENT THAT HOME OCCUPATIONS MAY BE APPROVED ADMINISTRATIVELY FOR SOLE PROPRIETORSHIP BUSINESSES ONLY. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PRIVATE CONCESSIONS - ADMINISTRATION TO DEVELOP STANDARD PROCEDURE FOR COUNCIL APPROVAL

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT ADMINISTRATION PROCEED IN DRAFTING A STANDARD PROCEDURE RELATING TO AWARDING CONCESSIONS IN CITY FACILITIES WITH THE UNDERSTANDING THE STANDARD PROCEDURE WOULD BE PRESENTED TO THE CITY COUNCIL FOR APPROVAL. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

SHELTER FOR HOMELESS PROGRAM - REMOVED FROM THE AGENDA - $5,000 COMMITTED FOR THIS PROGRAM TO BE HELD

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THIS ITEM BE REMOVED FROM THE AGENDA WITH THE UNDERSTANDING THAT, WHEN THE RAM ORGANIZATION DEVELOPES A PROGRAM, IT MAY BE SUBMITTED BACK TO THE CITY COUNCIL FOR CONSIDERATION OF FUNDING AND FURTHER RECOMMENDS THAT THE $5,000 COMMITTED TO THIS PROGRAM NOT BE EXTENDED UNTIL SUCH TIME AS THE PROGRAM IS APPROVED BY CITY COUNCIL. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway. In response to questioning from Ms. Babb, Mr. Jordan indicated this action would have nothing at all to do with the proposed ordinance that is scheduled for public hearing. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

INTERNATIONAL LAW VIOLATION - REMOVED FROM THE AGENDA

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THIS ITEM BE REMOVED FROM THE AGENDA WITH NO ACTION TAKEN AS THE COMMITTEE UNDERSTANDS THERE WERE SOME INACCURACIES IN THE REQUEST MADE TO COUNCIL. On behalf of the committee, he

moved the recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

HEARING IMPAIRED PROGRAM - REMOVED FROM THE AGENDA

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THIS ITEM BE REMOVED FROM THE AGENDA WITH NO ACTION TAKEN TO CHANGE THE PRESENT HEARING IMPAIRED PROGRAM. He indicated he understands that the new Municipal Building will have some type hearing aid in the Council Chamber. Therefore, no action is required on the second part of the recommendation that come forward from the committee that this be studied. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

BOYLAN AVENUE - GLENWOOD AVENUE CONNECTOR - PUBLIC HEARING AUTHORIZED

Chairman Calloway reported Council members received in their Agenda packet a proposed resolution to amend the Comprehensive Plan. He indicated this provision relates to the deletion of the extention of Boylan Avenue between Wills Forest Street and Glenwood Avenue from the thoroughfare plan, removal of the major thoroughfare classification from Boylan Avenue, and the reclassification of Boylan Avenue as the collector street between Peace Street and the new Boylan Avenue bridge. Chairman Calloway reported the Comprehensive Planning Committee RECOMMENDS THAT A PUBLIC HEARING BEFORE THE CITY COUNCIL AND THE PLANNING COMMISSION BE ADVISED FOR MAY 17, 1983 TO CONSIDER THIS PROPOSED RESOLUTION. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

NORTHWEST DISTRICT PLAN - INFORMATION RECEIVED - ITEM RETAINED IN COMMITTEE

Chairman Calloway reported Council members received in their Agenda packet a report from the Northwest CAC relating to the Northwest District Plan update. He indicated this is for Council members' information as the item is being held in committee and is going through the formal process. The item was received.

REPORT AND RECOMMENDATION OF THE ANNEXATION COMMITTEE

ANNEXATIONS - NORTH BOULEVARD CENTRE, TOWER CENTER AREA, THE SHIRES APARTMENT AREA AND U.S. 70 WEST - ORDINANCE ADOPTING AREAS EFFECTIVE DECEMBER 31, 1983 - APPROVED; RESOLUTIONS PLACING AREAS IN ELECTORAL DISTRICT - ADOPTED

Chairman Jordan read through the entire Annexation Committee's report and moved adoption of Item A relating to North Boulevard Centre. His motion was seconded by Mr. Calloway. Mr. Edwards indicated we have a mixture of dates for proposed annexations and conditions. He stated he would prefer to talk about all of the items together. He stated there was discussion in the Annexation Committee about the possibility of delaying annexation of all of the properties until December of 1983 or June, 1984. He indicated the question of notice came up and general discussion took place on this. He stated it would be his opinion that we would treat each area the same. He stated he does have some question and he would request that the committee consider annexing all of the areas effective December 31, 1983. Brief discussion took place and Mr. Jordan and Mr. Calloway agreed to withdraw their motion and discuss all of the annexations together. Mr. Edwards indicated he would move THAT WE ANNEX THE NORTH BOULEVARD CENTre AS PREVIOUSLY ADVERTISED EFFECTIVE DECEMBER 31, 1983 AND ADOPT A RESOLUTION PLACING THIS PROPERTY IN ELECTORAL DISTRICT B. His motion was seconded by Mr. Upchurch. Lengthy discussion took place concerning the annexation dates, the proposed change in the annexation law, after which Mr. Walters indicated he does have a problem with this motion as this would go against all of the work that the Annexation Committee had done in working out an agreement with the North Boulevard Centre. He indicated there has been a lot of press coverage talking about the amount of money the City has spent in this area and he does not feel that the coverage is correct. Mr. Walters compared this area to the Tyron Hills area with Mr. Edwards pointing out he saw no difference in the Mini-City area and the Tyron Hills area, pointing out the Mini-City area has developed on the outskirts of the City and it is time for it to come in the City. The City Attorney indicated there was discussion in the Annexation Committee about going to the December annexation date and the fact that it would cause a short fall in income. He stated if the Council is going to delay until December 31, they may want to take the total period available and makes the annexations effective in June of 1984. Mr. Edwards indicated he understood that there will some up front financing by the City, but the City would get the money back at a later date. Mr. Walters indicated the North Boulevard area is different, that they have done a lot of development and put in a lot of things that were not necessary and were not required by anyone. He talked about the amount of work developers in the North Boulevard area have done. Glen Weaver indicated he would be delighted to list the many things the developers did in this area that were not required. He pointed out the sole source of revenue for all of the land is one dollar a year from the Soccer League and they would request that the two undeveloped areas, as being recommended by the Annexation Committee, be delayed as far as annexation is concerned. Discussion took place as to the work that has been done to come up with a compromise in the Mini-City area as well as the Telex area with Mr. Walters indicating, he will have to vote against all four if the Council is going to go along with the motion to annex effective December 31. He stated he is sorry that we are going to lose the deal that we have worked so hard on to get the underpass at Spring

Forest Road. In response to questioning, Assistant City Manager Benton explained the annexation procedure, tax billing, and tax collection. He indicated we would be obliged to begin providing service on December 31 if that is the effective date of annexation, but we would not get the revenue from the taxes until the next fiscal year. He indicated the estimated cost to begin regular operating services is in the $290,000 range. After lengthy discussion, the motion, as made by Mr. Edwards, was put to a roll call vote which resulted in all members voting in the affirmative except Mr. Walters and Mr. Jordan who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 99

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, in accordance with G. S. 160A-49(a) and (b) the City Council of the City of Raleigh adopted a Resolution of Intent to consider annexation of the area hereinafter described and caused to be duly published on February 14, February 25, March 3 and March 11, 1983, in THE RALEIGH TIMES, a newspaper having general circulation in the City, a Notice of Intent to consider annexation of the territory in said notice and hereinafter described; and,

WHEREAS, in accordance with G.S. 160A-49(b) said notice of intent stated that a public hearing would be held on the 15th day of March, 1983, at or about 7:00 p.m., in the Municipal Building, Raleigh, North Carolina, for the purpose of considering the annexation to the City of Raleigh of the area referred to herein; described the boundaries of the area under consideration; and stated that a report would be available at least fourteen (14) days prior to the public hearing.

WHEREAS, as required by G.S. 160A-49(c), the City Council, at a regular meeting held on March 1, 1983, being at least fourteen days prior to the date set for public hearing, approved the report provided for in said statute; made it available for public inspection in the Office of the City Clerk and Treasurer and made copies of the report available for public distribution; and

WHEREAS, at said public hearing on March 15, 1983, the Planning Director, a representative of the City, made an explanation of the report as required by G.S. 160A-49(d). Following that explanation, full opportunity was given to all residents and persons owning property in the territory described in the notice of public hearing and to all residents of the City, to be heard in favor of or in opposition to the proposed annexation; that representatives of the area citizens were heard; and,

WHEREAS, in accordance with G.S. 160A-49(e) the City Council has taken into full consideration all of the arguments and facts presented by opponents and proponents of said annexation at said public hearing; has amended the above reports as reflected herein, if at all; and hereby finds, in accordance with state policy as declared in Part 3 of Article 4 of Chapter 160A of the North Carolina General Statutes, that annexation of the area hereinafter described is necessary to the orderly growth and development of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a); (b)(1), (2) and (3); (c)(1) and (d)(2) as is shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

(1) Is adjacent or contiguous to the current Raleigh City Limits.

(2) Has at least 1/2 912.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 38,019 feet in length of which 11,684 feet, or 30.7%, coincides with the existing municipal boundary.

(3) Is not located within the boundary of another incorporated municipality.

The area qualifies under a combination of 160A-48(c) and (d).

SECTION 160A-48(c)(1)

The area indicated on the attached map as "urbanized" has a total resident population equal to at least two persons for each area of land included within its boundaries.

The area has a total estimated population of 2,096 residents, a total area of 834 acres, and a density of 2.51 persons/acre.

SECTION 160A-48(d)(2)

The area shown on the attached map as "unurbanized" is adjacent on at least sixty percent (60%) of its external boundary to a combination of the municipal and the boundary of the area developed for urban purpose. The area has a total boundary of 11,956 feet, or 100%, is adjacent to the municipal boundary and the boundary of the area developed for urban purposes.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, or that on the effective date of annexation the City will have to be annexed, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 31st day of December, 1983.

Section 3. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
NORTH BOULEVARD CENTRE

Beginning at a point in the existing Raleigh City Limits (January 1, 1983), said point also being in the centerline of Marsh Creek and the southern right-of-way of Whitehall Avenue (S.R. 2079) according to Ordinance 1973-373 on file in the Raleigh City Clerk's office; thence leaving said City Limits in a northerly direction following the centerline of Marsh Creek 1480 feet ± to a point in the northern right-of-way of Millbrook Road (S.R. 2108); thence easterly with the northern right-of-way of Millbrook Road 445 feet ± to the southwestern corner of Parcel K-12 as shown on the map recorded in Book of Maps 1979, Page 973 of the Wake County Registry; thence with the western property lines of Parcels K-12 and A-13 as shown on said recorded map the following courses and distances: North 04° 47' 26" East 379.47 feet ±, North 04° 43' 42" East 299.39 feet ±, North 63° 16' 16" West 41.95 feet ±, North 00° 53' 55" East 255.33 feet ± to the northwestern corner of Parcel A-13 as shown on said recorded map, said point also being the southwestern corner of Parcel 14 as shown on the map recorded in Book of Maps 1977, Page 78 of the Wake County Registry; thence with the western property lines of Parcels 14, 15 and 16 as shown on said recorded map North 00° 55' 30" East 996.58 feet ± to the southwestern corner of Parcel 17 as shown on said recorded map, said point also being shown on a later map found in Wake County Registry Book 2972, Page 28 as Exhibit A-1 for the deed beginning on Page 25 of said Registry Book; thence with the western property line of Parcel 17 as shown on said exhibit A-1 North 00° 55' 30" East 486.43 feet ± to the northwestern corner of said Parcel 17 as shown on said Exhibit A-1, said point also being in the centerline of a 100-foot right-of-way of Carolina Power and Light Company (also shown on said exhibit A-1); thence northwesterly with the centerline of said right-of-way 580 feet ± to its point of intersection with the eastern right-of-way line of Seaboard Coast Line Railroad Company, said point being the southwest corner of a tract of land conveyed to North Boulevard Industrial Park by T. W. Brand et al by deed dated June 7, 1972, recorded in Book 2078, Page 181 of the Wake County Registry; thence with the eastern right-of-way line of Seaboard Coast Line Railroad Company according to the description (Exhibit A) for the recorded deed beginning in Book 2719, Page 878 of the Wake County Registry the following calls: northeasterly along an 11,394.156-foot radius curve to the right 294.29 feet ± (chord bearing North 32° 19' 35" East and a length of 294.28 feet ±), North 33° 04'East 127.13 feet ±, North 29° 25' East 1,039.15 feet ± to a point in the southern right-of-way of Spring Forest Road (S.R. 2041); thence continuing northeasterly with said eastern right-of-way of Seaboard Coast Line Railroad Company 92 feet ± to its point of intersection with the northern right-of-way of Spring Forest Road, said point also being the westernmost corner of the Parcel shown in Book of Maps 1979, Page 677 of the Wake County Registry; thence northeasterly with said eastern right-of-way of Seaboard Coast Line Railroad Company along a 2929.789-foot radius curve to the left 90.85 feet ± (chord bearing North 18° 58' East) to the northwesternmost corner of said Parcel, said point having North Carolina grid coordinates y = 768,132.39 and x = 2,119,357.05 (deed reference Book 2877, Page 578, Wake County Registry); thence continuing northeasterly with said Railroad right-of-way and with said radius curve 109.15 feet ± to a new iron pipe according to said deed reference; thence South 58° 58' 59" East 198.57 feet ± to a new iron pipe according to said deed reference, said point also being in the northern property line of the Parcel shown in Book of Maps 1979, Page 677 of the Wake County Registry; thence North 89° 31' 45" East with the northern line of said Parcel 775.73 feet ± to the northeastern corner of said Parcel, said point also being the southeastern corner of Parcel 1 as shown and recorded in Book of Maps 1981, Page 49 in the

Wake County Registry; thence South 03° 34' 25" West with the western line of Parcel 2 as shown on said recorded map 341.27 feet ± to the northernmost corner of Parcel 3 as shown on said recorded map; thence with the northeastern line of said Parcel 3 South 37° 51' 50" East 348.72 feet ± to a point, said point also being in the western right-of-way of Departure Drive as shown on a map recorded in Book of Maps 1981, Page 964 of the Wake County Registry; thence northeasterly with the western right-of-way of Departure Drive along a 705.00-foot radius curve to the left 353.33 feet ± to the end line of said right-of-way according to said recorded map; thence South 75° 29' 34" East with the end line of Departure Drive and the northern line of Parcel 17 as shown on said recorded map 771.18 feet ± to the northeastern corner of said Parcel 17 as shown on said recorded map; thence with the eastern line of said Parcel 17 South 14° 30' 26" West 425.47 feet ± to the southeast corner of said Parcel 17 (Book of Maps 1981, Page 49), said point also being in the northern line of Parcel 27 of North Boulevard Industrial Park Section II, Part I as shown on a map recorded in Book of Maps 1979, Page 197 of the Wake County Registry; thence with the northern line of said Section II, Part I as shown on said recorded map and Section II, Part II of North Boulevard Industrial Park as shown on a map recorded in Book of Maps 1975, Page 343 of the Wake County registry the following courses and distances: North 89° 28' 30" East 200.25 feet ±, North 89° 22' East 144.64 feet ±, North 89° 29' 30" East 305.09 feet ±, North 89° 31' East 299.87 feet ±, North 89° 32' 30" East 922.45 feet ± to the northeastern corner of Parcel 34 as shown on said recorded map; thence with the eastern line of said Parcel 34 South 01° 10' West 488.17 feet ± to the southwestern corner of Parcel 39 as shown on said recorded map; thence with the southern line of said Parcel 39 South 88° 50' 00" East 760.63 feet ± to the southeastern corner of said Parcel 39, said point further identified on a map recorded in Book of Maps 1980, Page 112 as having North Carolina Grid Coordinates y = 766,755.15 and x = 2,123,920.03; thence easterly across U.S. Highway 1 a distance of 203 feet ± to the northwestern corner of Parcel 26 as shown on said recorded map, said point further identified as having North Carolina Grid Coordinates y = 766,795.90 and x = 2,124,119.79; thence with the northern line of said Parcel 26 North 84° 43' 23" East 200.00 feet ± to the northeastern corner of said Parcel 26; thence with the eastern lines of said Parcel 26 and Parcel 25 as shown on said recorded map South 05° 16' 37" East 390.06 feet ± to the northern right-of-way of Spring Forest Road (S.R. 2041); thence easterly with the northern right-of-way of Spring Forest Road 2350 feet ± to its point of intersection with eastern property line extended of Parcel 2 as shown on the map recorded in Book of Maps 1972, Page 447 of the Wake County Registry; thence with the eastern and southern boundaries of said Parcel 2 the following courses and distances: South 25° 57' 45" East 1582.84 feet ±, South 64° 02' 15" West 160.00 feet ±, South 25° 57' 45" East 140.00 feet ±, North 86° 27' 30" West 184.35 feet ± to a point in the southern line of said Parcel 2, said point also being the northeastern corner of Parcel 3 as shown on the map recorded in Book of Maps 1972, Page 117 of the Wake County Registry; thence South 00° 32' 45" West 815.70 feet ± with the eastern line of said Parcel 3 to a common corner between said Parcel 3 and property now or formerly held by Madonna Acres, Incorporated, said point also being in the northern line of the Courtney Square Apartments (now or formerly property of Wedco, Incorporated) as shown on a map recorded in Book of Maps 1979, Page 27 of the Wake County Registry; thence North 86° 02' 45" East 572.54 feet ± along the northern line of said Wedco Property to the northeastern corner of said Wedco Property, said point also being in the southern line of said Madonna Acres Property; thence continuing westerly with the southern line of said Madonna Acres Property 115 feet ± to a point, aid point also being the northeastern corner of property owned by North Boulevard Industrial Park (now or formerly) and said Parcel also being the southern portion of Parcel 6, Wake County Tax Map 410 which fronts on U.S. Highway 401 (January 1, 1983); thence southeasternly with an eastern line of said Parcel 6 a distance of 320 feet ± to an inside corner of said Parcel 6; thence southeasternly with an eastern line extended of said Parcel 6 a distance of 1220 feet ± to a point in the southeastern right-of-way of U.S. Highway 401; thence southwesterly with said right-of-way and the eastern right-of-way of U.S. Highway 1 a distance of 4850 feet ± to the northern right-of-way extended of New Hope Church Road (S.R. 2034), said point also being in said existing City Limits; thence 11,863.68 feet ± with said existing City Limits as described in the following annexation ordinances as filed in the Raleigh City Clerk's Office: U.S. 1 North (1975-737), Lake Ridge Villa (1973-455), Northshore (1970-940), Shamrock Drive (1975-736) and North Boulevard Residential Park (1973-373) to the point of Beginning.

Adopted: 4/19/83

Effective 12/31/83

RESOLUTION NO. (1983) 213

A RESOLUTION TO AUTHORIZE THE INCLUSION OF NORTH BOULEVARD CENTRE IN CITY ELECTORAL DISTRICT B

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1983) 99 adopted April 19, 1983, annex a parcel of Land being commonly referred to as North Boulevard Centre; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District B is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as North Boulevard Centre as described in Ordinance No. (1983) 99 be added to City Electoral District B.

Adopted: 4/1983

Effective: 12/31/83

Mr. Jordan reported the Annexation Committee RECOMMENDS ADOPTION OF AN ORDINANCE ANNEXING THE TOWER CENTER AREA EFFECTIVE DECEMBER 31, 1983 AND ADOPTION OF A RESOLUTION PLACING THIS AREA IN ELECTORAL DISTRICT B. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative except Mr. Jordan and Mr. Walters who voted in negative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION No. (1983) 214

A RESOLUTION TO AUTHORIZE THE INCLUSION OF TOWER COMMERCIAL CENTER IN CITY ELECTORAL DISTRICT B

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1983) 100 adopted April 19, 1983, annex a parcel of land being commonly referred to as Tower Commercial Center; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District B is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Tower Commercial Center as described in Ordinance No. (1983) 100 be added to City Electoral District B.

Adopted: 4/19/83

Effective: December 31, 1983

ORDINANCE NO. (1983) 100

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, in accordance with G.S. 160A-49(a) and (b) the City Council of the City of Raleigh adopted a Resolution of Intent to consider annexation of the area hereinafter described and caused to be duly published on February 14, February 25, March 3 and March 11, 1983, in THE RALEIGH TIMES, a newspaper having general circulation in the City, a Notice of Intent to consider annexation of the territory in said notice and hereinafter described; and,

WHEREAS, in accordance with G.S. 160A-49(b) said notice of intent stated that a public hearing would be held on the 15th day of March, 1983, at or about 7:00 p.m., in the Municipal Building, Raleigh, North Carolina, for the purpose of considering the annexation to the City of Raleigh of the area referred to herein; described the boundaries of the area under consideration; and stated that a report would be available at least fourteen (14) days prior to the public hearing.

WHEREAS, as required by G.S. 160A-49(c), the City Council, at a regular meeting held on March 1, 1983, being at least fourteen days prior to the date set for public hearing, approved the report provided for in said statute; made it available for public inspection in the Office of the City Clerk and Treasurer and made copies of the report available for public distribution; and,

WHEREAS, at said public hearing on March 15, 1983, the Planning Director, a representative of the City, made an explanation of the report as required by G.S. 160A-49(d). Following that explanation full opportunity was given to all residents and persons owning property in the territory described in the notice of public hearing and to all residents of the City, to be heard in favor of or in opposition to the proposed annexation; that representatives of the area citizens were heard; and,

WHEREAS, in accordance with G.S. 160A-49(e) the City Council has taken into full consideration all of the arguments and facts presented by opponents and proponents of said annexation at said public hearing; has amended the above reports as reflected herein, if at all; and hereby finds, in accordance with state policy as declared in Part 3 of Article 4 of Chapter 160A of the North Carolina General Statutes, that annexation of the area hereinafter described is necessary to the orderly growth and development of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a); (b)(1), (2) and (3); (c)(3) and (d)(2) as is shown by the report and by maps on file with the Planning Department:

SECTION 160(a)-48(b)

The Total Area to be annexed:

(1) Is adjacent or contiguous to the current Raleigh City Limits
(2) Has at least 1/8 (12.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 14,328 feet in length of which 4,571 feet, or 31.9%, coincides with the existing municipal boundary.
(3) Is not located within the boundary of another incorporated municipality.

SECTION 160A-48(c)(3)

The area developed for urban purposes to be annexed is so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional, or governmental purposes. There are three (3) lots in the area, all of which are developed for commercial or industrial purposes.

The area developed for urban purposes to be annexed is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental, or institutional purposes, consists of lots and tracts five acres or less in size. Within this area, there are no lots that are not used for commercial, industrial, governmental, or institutional purposes.

SECTION 160A-48(d)(2)

The area is adjacent on at least sixty percent (60%) of its external boundary to a combination of the municipal boundary and the boundary of the area shown as developed for urban purposes. The area has a total boundary of 9,391 feet, of which 6,478 feet, or 68.9%, is adjacent to the municipal boundary and the boundary of the area developed for urban purposes.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, or that on the effective date of annexation the City will have to be annexed, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 31st day of December, 1983.

Section 3. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
TOWER COMMERCIAL CENTER

Beginning at a point in the southeastern right-of-way of U.S. Highway 64 East, said point also being in the centerline of Crabtree Creek and the existing (January 1, 1983) Raleigh City Limits; runs thence northwesterly with said existing City Limits and the centerline of Crabtree Creek 144 feet ± to its intersection with the northwestern right-of-way of U.S. Highway 64 East; thence with said existing City Limits and U.S. 64 East and Yonkers Road rights-of-way, the following courses and distances: North 25° 20' East 237 feet ±, North 75° 11' West 20.42 feet ±, North 25° 28' East 149.94 feet ±, on a 1091.80-foot radius curve to the right with a cord running North 30° 24' East 187.77 feet ±, North 9° 25' West 138.49 feet ±, North 50° 28' East

391.29 feet ±, on a 129.15-foot radius curve to the left with a cord running North 18° 49' East 135.54 feet ±, North 12° 50' West 493.24 feet ±, on a 851.47-foot radius curve to the left with a cord running North 29° 20' West 483.66 feet ±, North 45° 50' West 461.98 feet ±, North 45° 38' West 1227.40 feet ± to the point of intersection between the southwestern right-of-way of Yonkers Road and the centerline of Marsh Creek; thence northerly with the centerline of Marsh Creek 500 feet ± to its intersection with the northeastern right-of-way of the Raleigh Beltline (U.S. 64 East Bypass); thence with the northeastern right-of-way of said Raleigh Beltline South 44° 08' 41" East 70 feet ± to the western corner of the property of Terminal Communications, Inc. according to the map recorded in Book of Maps 1970, Page 75 of the Wake County Registry; thence North 44° 08' East with the northwestern property line of said property 400.80 feet ± to an existing iron pipe as shown on said recorded map; thence South 84° 03' 28" East with the northeast property line of said property 1479.30 feet ± to an existing iron pipe at the northeast corner of said property as shown on said recorded map; thence South 0° 05' West with the eastern property line of said property 340 feet ± to its intersection with the northern right-of-way of Lake Woodard Drive (S.R. 2279); thence with the northern right-of-way extended of Lake Woodard Drive the following courses and distances: North 81° 15' East 1060 feet ±, on a 2550.62-foot radius curve to the right 270 feet ±, South 83° 00' East 1020 feet ± to its intersection with the eastern right-of-way of Trawick Roak(S.R. 2205); thence southwesterly with the eastern right-of-way of Trawick Road 1240 feet ± to the northwest corner of Lot 239 Wake County Tax Map 497; thence southerly 58.4 feet ± with the eastern right-of-way of Trawick Road to a western corner of said Lot 239; thence southerly with the eastern right-of-way of Trawick Road 179.02 feet ± to a southwest corner of said Lot 239; thence in the same southerly direction as the last call with the eastern right-of-way of Trawick Road extended across U.S. Highway 64, 200 feet ± to its intersection with the southern right-of-way of U.S. Highway 64; thence southwesterly with the southern right-of-way of U.S. Highway 64, 920 feet ± to its intersection with the Controlled Access Right-of-Way of the Raleigh Beltline as shown on the Plan and Profile of Proposed State Highway Project Number 8.14906 Sheet 15 and designated as Station 156+00 P.O.T. U.S. 64; thence southwesterly across the Raleigh Beltline interchange 2060 feet ± to a point at the western end of the Controlled Access Right-of-Way of the Raleigh Beltline, said point designated as Station 135+00 P.O.C. U.S. 64, said point also being 114 feet from the centerline of the northern lane of U.S. 64 measured on a line normal to said centerline as shown on said plans for Project Number 8.14906 Sheet 14; thence southwesterly with the southeastern right-of-way of U.S. Highway 64, 460 feet ± to the point of beginning.

For further reference, see the following annexation ordinances as filed in the Raleigh City Clerk's Office: Ballentine Property (1968-671), Yonkers Road (1976-406), and Brentwood (1968-720).

Adopted: 4/19/83

Effective: 12/31/83

ORDINANCE NO. (1983) 101

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, in accordance with G.S. 160A-49(a) and (b) the City Council of the City of Raleigh adopted a Resolution of Intent to consider annexation of the area hereinafter described and caused to be duly published on February 14, February 25, March 3 and March 11, 1983, in THE RALEIGH TIMES, a newspaper having general circulation in the City, a Notice of Intent to consider annexation of the territory in said notice and hereinafter described; and,

WHEREAS, in accordance with G.S. 160A-49(b) said notice of intent stated that a public hearing would be held on the 15th day of March, 1983, at or about 7:00 p.m., in the Municipal Building, Raleigh, North Carolina, for the purpose of considering the annexation to the City of Raleigh of the area referred to herein; described the boundaries of the area under consideration; and stated that a report would be available at least fourteen (14) days prior to the public hearing.

WHEREAS, as required by G.S. 160A-49(c), the City Council, at a regular meeting held on March 1, 1983, being at least fourteen days prior to the date set for public hearing, approved the report provided for in said statute; made it available for public inspection in the Office of the City Clerk and Treasurer and made copies of the report available for public distribution; and,

WHEREAS, at said public hearing on March 15, 1983, the Planning Director, a representative of the City, made an explanation of the report as required by G.S. 160A-49(d). Following that explanation, full opportunity was given to all residents and persons owning property in the territory described in the notice of public hearing and to all residents of the City, to be heard in favor of or in opposition to the proposed annexation; that representatives of the area citizens were heard; and,

WHEREAS, in accordance with G.S. 160A-49(e) the City Council has taken into full consideration all of the arguments and facts presented by opponents and proponents of

said annexation at said public hearing; has amended the above reports as reflected herein, if at all; and hereby finds, in accordance with state policy as declared in Part 3 of Article 4, Chapter 160A of the North Carolina General Statutes, that annexation of the area hereinafter described is necessary to the orderly growth and development of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G.S. 160A-48(a); (b)(1), (2) and (3); and (c)(1) as it shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

The Total area to be annexed:

(1) Is adjacent or contiguous to the current Raleigh City Limits.

(2) Has at least 1/8 (12.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 8,119 feet in length of which 3,524 feet, or 43.4%, coincides with the existing municipal boundary.

(3) Is not located within the boundary of another incorporated municipality.

SECTION 160A-48(c)(1)

The total area to be annexed has a total resident population equal to at least two persons for each acre of land included within its boundaries. There are 44 acres in the area, and an estimated 302 persons. The density is 6.86 persons/acre.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G.S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, or that on the effective date of annexation the City will have to be annexed, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be the 31st day of December, 1983.

Section 3. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION

THE SHIRE APARTMENTS

Beginning at a point in the existing (January 1, 1983) Raleigh City Limits, said point also being in the centerline of Walnut Creek and the eastern property line of property dedicated to the City of Raleigh for Greenway on a map recorded in Book of Maps 1981, Page 167, at the Wake County Registry; runs thence leaving said existing City Limits with the eastern boundary of said Greenway and the subdivided property of Sol Kaplan (now or formerly) as shown on said recorded map the following courses and distances: South 1° 45' 30" West 354 feet ±; South 1° 37' 53" West 283.65 feet ±' South 1° 42' 10" West 1415.07 feet ±; South 12° 52' 04" East 411.18 feet ±; South 13° 14' 00" East 402.29 feet ±; north 88° 55' 37" West 1728.05 feet ± to a point in said existing City Limits, said point also being in the eastern right-of-way of Gorman Street; thence northerly with said existing City Limits and the eastern right-of-way of Gorman Street 2,409.32 feet ± to its intersection with the centerline of Walnut Creek; thence northeasterly with said existing City Limits and the centerline of Walnut Creek 1115 feet ± to the point of Beginning.

For further reference see the following annexation ordinances on file in the Raleigh City Clerk's Office: Lake Johnson (1975-873) and Dixie Trail Extension (1979-267).

Adopted: 4/19/83

Effective: 12/31/83

RESOLUTION NO. (1983) 215

A RESOLUTION TO AUTHORIZE THE INCLUSION OF THE SHIRE APARTMENTS IN CITY ELECTORAL DISTRICT D

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1983) 101 adopted April 19, 1983, annex a parcel of land being commonly referred to as The Shire Apartments; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District D is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as The Shire Apartments as described in Ordinance No. (1983) 101 be added to City Electoral District D.

Adopted: 4/19/83

Effective: 12/31/83

Mr. Jordan reported the Annexation Committee recommends adoption of an ordinance annexing the U.S. 70 West area effective June 30, 1983 and a resolution placing this area in an Electoral District E. His motion was seconded by Mr. Calloway. Mr. Edwards mad a substitute motion THAT THE U.S. 70 WEST AREA BE ANNEXED EFFECTIVE DECEMBER 31, 1983 AND THE ADOPTION OF A RESOLUTION PLACING THIS AREA IN ELECTORAL DISTRICT E. His substitute motion was seconded by Mr. Upchurch and put to a roll call vote which resulted in all members voting in the affirmative except Mr. Walters and Mr. Jordan who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 102

AN ORDINANCE ANNEXING PROPERTY DESCRIBED HEREIN TO THE CITY OF RALEIGH UNDER THE POWER AND AUTHORITY PROVIDED IN PART 3, ARTICLE 4A OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, in accordance with G.S. 160A-49(a) and (b) the City Council of the City of Raleigh adopted a Resolution of Intent to consider annexation of the area hereinafter described and caused to be duly published on February 14, February 25, March 3 and March 11, 1983, in THE RALEIGH TIMES, a newspaper having general circulation in the City, a Notice of Intent to consider annexation of the territory in said notice and hereinafter described; and,

WHEREAS, in accordance with G.S. 160A-49(b) said notice of intent stated that a public hearing would be held on the 15th day of March, 1983, at or about 7:00 p.m., in the Municipal Building, Raleigh, North Carolina, for the purpose of considering the annexation to the City of Raleigh of the area referred to herein; described the boundaries of the area under consideration; and stated that a report would be available at least fourteen (14) days prior to the public hearing.

WHEREAS, as required by G.S. 160A-49(c), the City Council, at a regular meeting held on March 1, 1983, being at least fourteen days prior to the date set for public hearing, approved the report provided for in said statute; made it available for public inspection in the Office of the City Clerk and Treasurer and made copies of the report available for public distribution; and,

WHEREAS, at said public hearing on March 15, 1983, the Planning Director, a representative of the City, made an explanation of the report as required by G.S. 160A-49(d). Following that explanation, full opportunity was given to all residents and persons owning property in the territory described in the notice of public hearing and to all residents of the City, to be heard in favor of or in opposition to the proposed annexation; that representatives of the area citizens were heard; and ,

WHEREAS, in accordance with G. S. 160A-49(e) the City Council has taken into full consideration all of the arguments and facts presented by opponents and proponents of said annexation at said public hearing; has amended the above reports as reflected herein, if at all; and hereby finds, in accordance with state policy as declared in Part 3 of Article 4, Chapter 160A of the North Carolina General Statutes, that annexation of the area hereinafter described is necessary to the orderly growth and development of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council does hereby make the specific findings:

(a) That the City Council has heretofore adopted a report setting forth plans for services to be rendered to the area hereinafter described, upon annexation, and setting forth facts showing that the area meets the other requirements of Part 3 of Article 4A of Chapter 160A of the General Statutes; that the facts set forth in the report are found to be true and correct; and that said report as amended, if at all, again adopted and made a part of this ordinance as though fully set out herein.

(b) That the area to be annexed, hereinafter described, meets the requirements of G. S. 160A-48(a); (b)(1), (2) and (3); (c) and (d)(1) and (2) as is shown by the report and by maps on file with the Planning Department:

SECTION 160A-48(b)

(1) Is adjacent or contiguous to the current Raleigh City Limits.
(2) Has at least 1/8 (12.5%) of the aggregate external boundary coinciding with the municipal boundary. The aggregate external boundary of the area is 9776 feet in length of which 3896 feet, or 39.9% coincides with the existing municipal boundary.
(3) Is not located within the boundary of another incorporated municipality.

The proposed annexation is divided into two areas developed for urban purposes which qualify under 160A-48(c) and one area not developed for urban purposes which qualified under Section 160A-49(d).

(1) Areas Developed for Urban Purposes

The residential area immediately north of Deep Hollow Drive qualified under 160A-48(c)(1). The area has a total resident population equal to at least two persons for each acre of land included within its boundary. This area contains 4.35 acres and an estimated 28 residents, and a density of 6.5 persons/acre.

The area south of U.S. 70 West Qualifies under 160A-48(c)(3). The area is so developed that at least sixty percent of the total number of lots and tracts in the area are used for residential, commercial, industrial, institutional or governmental purposes. There are 33 lots in the area, of which 21 or 63.6% are so developed.

Under 160A-48(c)(3), the area is also required to be subdivided into lots and tracts such that at least sixty percent of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts five acres or less in size. Within this area, 100% of the acreage that is not used for commercial, industrial, governmental or institutional purposes is in lots less than five acres.

(2) Areas Not Developed for Urban Purposes

The area shown on the attached map as "unurbanized" qualifies for annexation under 160A-48(d)(2). It is adjacent on at least sixty percent of its external boundary to a combination of the municipal boundary and the boundary of the areas shown developed for urban purposes. The area has a total boundary of 7193 feet, of which 5043 feet of 70.1% is adjacent to the municipal boundary and the boundary of the areas developed for urban purposes.

(c) That it is the intent of the City of Raleigh to provide services to the area as required by G.S. 160A-47 and as set forth in the report required by that statute;

(d) That upon the effective date of the annexation of the area described herein, the City of Raleigh will have funds appropriated in sufficient amount to finance construction of the major trunk water mains and sewer outfall lines which are necessary to meet the requirements of G. S. 160A-47(3)(b) and (c) to extend the basic water or sewer system of the City, or both, into the area to be annexed, or that on the effective date of annexation the City will have to be annexed, or that on the effective date of annexation the City will have the authority to issue bonds in an amount sufficient to finance such construction.

Section 2. That the effective date of annexation provided by this ordinance shall be December 31, 1983.

Section 3. That from and after the effective date of this ordinance, heretofore mentioned, the following territory be and the same is hereby annexed to the City of Raleigh and the corporate limits of the City of Raleigh be and are hereby extended to include said territory, the territory being, more particularly described by metes and bounds as follows:

ANNEXATION DESCRIPTION
U.S. 70 WEST - DURALEIGH

Beginning at a point in the existing Raleigh City Limits (January 1, 1983), said point also being in the western property line of Lot 268 Wake County Tax Map 377, (now or formerly property of Centennial Homes) and the southern right-of-way of Deep Hollow Drive as shown on the map recorded for Tri-City Builders, Inc. in Book of Maps

1975, Volume II, Page 214 at the Wake County Registry; runs thence westerly along the southern right-of-way of Deep Hollow Drive and its extension across Duraleigh Road (S.R. 1664) 650 feet ± to a point in the western right-of-way of Duraleigh Road; thence northerly along the western right-of-way of Duraleigh Road and its extension across U.S. 70 West 3850 feet ± to a point in the northern right-of-way of U.S. 70 West; thence southeasterly with said northern right-of-way of U.S. 70 West 1380 feet ± to the intersection of the west property line of Lot 6, Wake County Tax Map 377 and said northern right-of-way of U.S. 70 West, said point also being in said existing City Limits; thence with said City Limits southerly along the west property line extended of said Lot 6 across U.S. 70 West 230 feet ± to the intersection of the west property line extended of said Lot 6 and the southern right-of-way of U.S. 70 West; thence southeasterly with the southern right-of-way of U.S. 70 West and said existing City Limits 630 feet ± to the intersection of said right-of-way and a northwestern property line of Lot 91, Wake County Tax Map 377; thence southwesterly with said northwestern property line and said existing City Limits 40 feet ± to a northwestern corner of said Lot 91; thence southerly along a western property line of said Lot 91 1,110 feet ± to the southwest corner of said Lot 91, said point also being in the northern line of Lot 221, Wake County Tax Map 377; thence westerly 330 feet ± along the northern line of said Lot 221 to the northwestern corner of said Lot 221, said point also being the northernmost corner of Lot 28, Wake County Tax map 377; thence along the common boundary of said Lots 221 and 38 the following courses and distances: Southerly 496 feet ±, easterly 50 feet ±, southerly 242 feet ± to the southeastern corner of Lot 38, said point also being a corner of Lot 268 Wake County Tax Map 377; thence westerly 500 feet ± along the northern line of said Lot 268 to the northwest corner of said Lot 268; thence southerly 268 feet ± along the western property line of said Lot 268 across Deep Hollow Drive to the point of beginning.

For further reference, see the following annexation ordinances on file in the Raleigh City Clerk's Office: Glenwood, Oak Park (1976-84) and New Brookhaven, Pickwick Village (1980-369).

Adopted: 4/19/83

Effective: 12/31/83

RESOLUTION NO. (1983) 216

A RESOLUTION TO AUTHORIZE THE INCLUSION OF U.S. 70 WEST IN CITY ELECTORAL DISTRICT E

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1983) 102 adopted April 19, 1983, annex a parcel of land being commonly referred to as U.S. 70 West; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District E is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as U.S. 70 West as described in Ordinance No. (1983) 102 be added to City Electoral District E.

Adopted: 4/19/83

Effective: 12/31/83

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

STREET IMPROVEMENTS - BENSON DRIVE - PROJECT PUT ON HOLD

Chairman Edwards reported the Public Works Committee RECOMMENDS THAT THE CITY NOT CONTINUE ITS EFFORTS TO IMPROVE BENSON DRIVE AT THIS TIME WITH THE UNDERSTANDING IF THIS RECOMMENDATION IS APPROVED BY COUNCIL THE PROJECT WOULD BE PUT ON HOLD CONTINGENT UPON THE STATE INSTALLING THE TRAFFIC SIGNAL AT WAKE FOREST ROAD/NAVAHO DRIVE INTERSECTION. He stated the committee further recommends that all condemnation proceedings for this project be discontinued at this time. On behalf of the committee, he moved that the recommendation be upheld. His motion was seconded by Mr. Upchurch and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

TRANSPORTATION CORRIDOR AND OTHER ITEMS RELATING TO MINI-CITY AREA - CONCEPT OF IMPROVEMENTS TO SPRING FOREST ROAD - APPROVED; FUNDING REFERRED BACK TO COMMITTEE

Chairman Edwards reported the Public Works Committee recommends approval of the following funding plan for the Spring Forest Road underpass:

1982-83 Increased Auto Tag Revenues	$ 250,000
1983-84 Increased Auto Tag Revenues	250,000
Deferral of Benson Drive	130,000
From Capital Fund - 35 Street Bond Fund	200,000
Developer's Support	320,000
	$1,150,000

The following time schedule is also recommended for approval by the Committee:

April 19 - Council authorize design of connector
July 15 - Design completed
August 1 - Begin bid process - include alternate for both bridge projects
September 6 - Council consider awarding project

By September 6, property owners will provide funds and/or letters of credit guaranteeing payment of $320,000 to the City upon completion of the project and dedication of the Spring Forest Road right-of-way as well as the Atlantic Avenue right-of-way north of Millbrook Road to the railroad. A written agreement should be executed on or before this date with the terms and conditions so stipulated.

Mr. Edwards indicated he would like to refer this item back to committee to further study the funding. He stated, in essence, he would move THAT THIS ITEM BE REFERRED BACK TO THE PUBLIC WORKS COMMITTEE FOR FURTHER STUDY OF THE FUNDING WITH THE UNDERSTANDING THAT THE COUNCIL WOULD APPROVE THE CONCEPT OF THE SPRING FOREST ROAD IMPROVEMENTS AND LET THE COMMITTEE FURTHER STUDY THE FUNDING ITEM. His motion was seconded by Ms. Babb. Mr. Walters indicated he felt that this item should be tabled until the next meeting as the action taken on the annexation of the area, he feels, changes the whole outlook on this road. After other discussion with Mr. Edwards indicated that concept is endorsed by the Committee but they just feel they need to study the funding question and source of funding further. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

UTILITY LINES - SNELLING INDUSTRIAL CENTER - TO BE PLACED UNDERGROUND

Chairman Edwards reported the Public Works Committee RECOMMENDS THAT THE REQUEST TO INSTALL CP&L LINES OVERHEAD IN THE SNELLING INDUSTRIAL CENTER BE DENIED. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Edwards indicated that to approve this request would be going against Council policy. Brief discussion took place relative to the requirement that would be placed on this land if it were in Garner's jurisdiction. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

MARKET PLAZA RENOVATIONS - PRELIMINARY DESIGN APPROVED - ARCHITECT AUTHORIZED TO PROCEED

Dick Bell was at the meeting presenting a rendering of the preliminary designs for improvement to Market Plaza. He explained this involves revitalization of the existing Market Plaza and completion of the Market Plaza by continuing the brown and beige brick, above the ground planters and brick pavers in front of the Restaurant, Page Building and Market Plaza Associates Project. He stated they plan to revitalize the existing section, keeping the marble area and extending the marble. He indicated his estimate of the project is approximately $130,000. Mayor York indicated the Downtown Committee RECOMMENDS APPROVAL OF THE PRELIMINARY DESIGN AND DIRECT THE ARCHITECT TO PROCEED TO THE NEXT STEP WHICH IS THE FINAL STEP. Mr. Walters moved that the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

LOAN POOL COMMITTEE - STATUS REPORT - RECEIVED AND REMOVED FROM THE AGENDA

Mayor York indicated the Downtown Committee recommends THAT THIS ITEM BE REMOVED FROM THE AGENDA. He indicated the committee received information that only one formal application has been presented to the Loan Pool Committee which has been approved subject to several conditions and the Loan Pool Committee has received preliminary information on a second application. Mayor York indicated that this is just a report from the Loan Pool Committee to the Downtown Committee for information. Mr. Walters moved the recommendation be upheld which was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

MARKET PLAZA ASSOCIATES - APPROVAL OF SECOND MORTGAGE AND INTEREST SUBSTITUTED GRANT - AUTHORIZED

Mayor York indicated the Downtown Committee RECOMMENDS APPROVAL OF A SECOND MORTGAGE LOAN FROM COMMUNITY DEVELOPMENT TO MARKET PLAZA ASSOCIATES IN THE AMOUNT OF $40,000 AT 10% INTEREST WITH THE UNDERSTANDING THAT THE INTEREST ONLY WILL BE PAID ON AN ANNUAL BASIS WITH THE TOTAL LOAN AMOUNT DUE AT THE END OF FIVE YEARS AND FURTHER RECOMMENDS APPROVAL OF AN INTEREST SUBSIDY GRANT FROM COMMUNITY DEVELOPMENT FUNDS TO MARKET PLAZA FOR THIS PROJECT OF UP TO $57,000. Mayor York briefly explained the second mortgage, how it would work, the amount of equity Market Plaza Associates would have in the project and the interest subsidy grant. Mr. Edwards moved the committee's recommendation as outlined be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CAPITOL AREA HOUSING STUDY - REPORT ACCEPTED - TASK FORCE URGED TO PROCEED; PARKING ALTERNATIVES REFERRED TO ADMINISTRATION

Mayor York indicated the Downtown Committee received a report on the Capitol Area Housing Study. Mayor York called on Bill Greer of Foran and Associates to make the presentation to the full Council.

Mr. Greer presented a slide presentation showing and explained the findings of the study which included the market location, design and the process for a 120 unit development on the block bounded by Blount, Jones, Person and Edenton Street. He explained that their proposal shows a mixture of townhomes, single story apartments and condominiums. He also explained steps that must be considered to bring this Downtown Housing Development into reality which includes the releasing of the parcel from State ownership, creating specific guidelines for development, relocation of the current 358 parking spaces, etc. He indicated that the project is foreseen as a nine million dollar project with $127,000 tax base. The market does exist for a quality development and project of this type.

Mayor York indicated the Downtown Committee RECOMMENDS THAT THE CITY COUNCIL ACCEPT REPORT AS THE BASIS FOR CONTINUED WORK THROUGH THE CITY/STATE TASK FORCE AND URGE THE TASK FORCE TO PROCEED TO COMPLETE NEGOTIATIONS WITH THE STATE AND FURTHER REQUEST THAT ADMINISTRATION BE DIRECTED TO STUDY THE PARKING ALTERNATIVES WITH A REPORT DUE IN MAY TO THE CITY COUNCIL. He indicated the task force can pursue the parking alternatives, however, information from administration would be necessary. Mr. Upchurch moved that the committee's recommendation be upheld which was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

City Attorney McCormick indicated the Task Force will meet at 9:00 a.m. on April 20, 1983.

THE CITY COUNCIL TOOK A FIFTEEN MINUTE BREAK BETWEEN 3:45 and 4:00 P.M.

REPORT AND RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD

PROPOSED ORDINANCE TO ELIMINATE GOLF PRACTICE IN PARKS - REFERRED TO LAW AND FINANCE COMMITTEE

The Agenda indicated the Park Board recommends, and the City Attorney concurs, to include an additional section to the City Code relating to the use of the park system as follows: "No person shall practice golf on any City park property except as a part of a approved program of the Parks and Recreation Department." The attorney recommends that Chapter 9, Section 9-2026 would be the logical placement of this proposed ordinance. City Attorney McCormick indicated that he just concurs with the placement of this proposed ordinance in the City Code that he is not necessarily recommending the ordinance. Mr. Upchurch indicated he has no problem with the concept of what is being said, but he feels that there might be areas in our park that golf practice would be allowed. Mr. Jordan indicated he understands the problem, but our park system needs all the friends it can get. Therefore, HE WOULD SUGGEST THAT THE PROPOSED ADDITION TO THE ORDINANCE CONTROLLING THE USE OF THE PARKS - ELIMINATION OF GOLF PRACTICE BE REFERRED TO LAW AND FINANCE COMMITTEE. His motion was seconded by Ms. Babb and pasted unanimously. THE MAYOR RULED MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE RALEIGH-DURHAM AIRPORT AUTHORITY

RDU - AMENDMENTS TO GRANTS AND ACCEPTANCE OF GRANTS - APPROVED

Council members received a letter from the airport engineer in their Agenda packet recommending AMENDMENTS FOR SIX GRANTS AND ACCEPTANCE OF A NEW GRANT IN THE AMOUNT OF $1,902,737 TO BE USED FOR THE NEW RUNWAY CONSTRUCTION. Mr. Upchurch moved the recommendation as outlined by upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE SPECIAL WORK SESSIONS

NONE.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

PRIVILEGE LICENSE APPLICATION - TOOKIE'S - APPROVED WITH CONDITION

A privilege license application has been received from Tookie's, 3321 North Boulevard, in the name of the owner, Marshall Lynn Gullie. The application is for a dance hall, public club with live entertainment classified as a Class 1 entertainment center. A temporary on-premise beer license has been issued and the police report indicates approval. The building/zoning inspection's report indicated disapproval. The City Manager Zachary indicated just prior to the Council meeting he received a recommendation from the Assistant Inspections Superintendent for Construction that THE INSPECTIONS DIVISION RECOMMENDS APPROVAL OF THE REQUESTED ENTERTAINMENT LICENSES WITH THE STIPULATION THAT CONFORMANCE WITH THE NORTH CAROLINA STATE BUILDING CODE AND CONFORMANCE WITH THE CITY OF RALEIGH ZONING ORDINANCES IS COMPLIED WITH. WORK IS CURRENTLY UNDERWAY AND WHEN ALL WORK COMPLIES WITH THE ABOVE STIPULATION, THE INSPECTIONS DIVISION WILL NOTIFY THE REVENUE COLLECTORS OFFICE SO THAT THE BUSINESS LICENSES MAY BE ISSUED. City Manager Zachary RECOMMENDED APPROVAL OF THE LICENSES AS APPLIED TO SUBJECT TO THE INSPECTIONS DEPARTMENT VERIFYING THAT EVERYTHING DOES MEET THE STATE AND CITY CODES. Mr. Upchurch moved the Manager's recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ANNUAL AUDIT - A. M. PULLEN APPROVED

In accordance with the agreement approved last year by the City Council with A. M. Pullen Company to provide audit services for fiscal years 82-86 IT IS THE RECOMMENDATION OF THE FINANCE DIRECTOR THAT A. M. PULLEN AND COMPANY BE REAPPOINTED TO CONDUCT THE FY 82-83 AUDIT. The amounts to be contracted for (a maximum of $38,600) agree with the amounts quoted in last year's proposal for audit services submitted by A. M. Pullen. The City is continuing to perform our audit and reporting under the "Single Audit" concept which includes a combined auditing of regular City operations as well as all Federal and State grants. This effectively means that we are not contracting for separate, individual audits of grants and neither are we having to have Federal or State auditors coming in during the year to perform audits. A. M. Pullen Company has indicated that they intend to continue their joint venture effort with the firm of Garrett, Sullivan and Company on some of the audit work on the upcoming year. Administration RECOMMENDS APPROVAL AND AUTHORIZATION FOR THE MAYOR TO SIGN THE CONTRACT. Mr. Jordan moved the recommendation as outlined by upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

E. M. JOHNSON WATER PLANT EXPANSION - CHANGE ORDER NO. F-5 - APPROVED - FUNDS APPROPRIATED

Change Order F-5 - Roberts Filter Manufacturing Company was presented. This is an addition in the amount of $97,132. Council members received a copy of letter of exclamation from the Project Engineer, Olsen Associates, Incorporated, in their Agenda packet. Public Utilities Director Butler explained the change order which relates to enlarging the chlorination system at the E. M. Johnson Plant. He explained this will allow the City to allow chlorine at the raw water influent and at the filter influents at different dosage rates. Mr. Butler indicated there has been a change in EPA requirements relating to Trihalomethane in drinking water. He explained how the chlorine is applied presently and how it would be under the proposal. In response to questioning from Councilman Edwards, Mr. Butler indicated this is an addition to our design rather than a change in our design at the plant. Mr. Edwards MOVED THAT THE CHANGE ORDER, AS PRESENTED, BE AUTHORIZED. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

BANKING SERVICE - BID PROPOSALS - HELD

City Manager Zachary indicated the Finance Director has been out and has not had an opportunity to complete his analysis of the proposals from local banks for banking services for the period July 1, 1983 through June 30, 1986, therefore HE WOULD REQUEST THAT ACTION ON THE BANKING SERVICES BID PROPOSALS BE HELD UNTIL NEXT AGENDA. Without objection, this was agreed to.

MUNICIPAL ELECTION CONTRACT - REFERRED TO THE LAW AND FINANCE COMMITTEE

City Manager Zachary indicated the Wake County Board of Elections has notified the City that pursuant to General Statutes and the agreement previously entered into between the City of Raleigh and the Wake County Board of Elections, it is necessary to renegotiate the contract. He pointed out for the past few years, the City has paid Wake County $3,259.76 for administration to hold our municipal elections every two years. The new proposed contract increases that payment to $6,050. The City Clerk explained that this contract provides for the basic election services such as voter registration, change of registration, etc. She explained that in each municipal election the City pays the County on a cost basis for jurors, poll holders, etc. She indicated the contract has been amended as requested by the City Council to clarify who pays for disputed elections. The Clerk pointed out there is a new provision in the contract relating to a hold harmless agreement and she would ask the City Attorney to speak to that. City Attorney McCormick indicated there is a new paragraph added in the contract relating to a hold harmless agreement that he finds hard to recommend. Brief discussion took place and Mr. Jordan MOVED THAT THE MUNICIPAL ELECTIONS CONTRACT WITH WAKE COUNTY BE REFERRED TO THE LAW AND FINANCE COMMITTEE FOR STUDY. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ADDENDUM

TRANSFERS - PARKS AND RECREATION DEPARTMENT - APPROVED

The Addendum presented three transfers in the Parks and Recreation department, one in the amount of $24,000 for repairs to building, $60,000 to light and power and $14,000 to heat for fuel. City Manager Zachary indicated that these transfers total $240,000. He indicated rather taking the money from City Council contingency, he has requested them to take it from some new programs that the Council has just approved with the understanding they will have to be refunded in the next budget. He indicated the Council Contingency account is fairly low and he just does not want to take anymore from that. Mr. Jordan MOVED THAT THE TRANSFERS, AS OUTLINED ON THE ADDENDUM IN THE PARKS AND RECREATION DEPARTMENT BE AUTHORIZED. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 212 TF 37.

PARKS AND RECREATION DEPARTMENT - REQUEST TO PURCHASE MAGAZINE - AUTHORIZED - FUNDS APPROPRIATED

City Manager Zachary indicated the Parks and Recreation Department found out recently that the magazine Merry-Go-Roundup is doing a 28 page spread on one of our carrousel that has been restored. He indicated the Parks and Recreation Department is requesting a $3,000 transfer from Recreation Contingency in order to allow them to purchase 1,000 copies for sell to the public. He indicated he understands they plan to resell the magazine for $5.00. Brief discussion took place and Mr. Jordan MOVED THE MANAGER'S RECOMMENDATION BE UPHELD. His motion was seconded Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

UMTA - AUDIT - A. M. PULLEN - AUTHORIZED

City Manager Zachary requested AUTHORIZATION FOR THE MAYOR TO SIGN A CONTRACT WITH A. M. PULLEN AND COMPANY TO DO THE UMTA AUDIT IN THE AMOUNT OF $2,000. Ms. Babb moved the Manager's recommendation be upheld which was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

CABLEVISION - MEETING FOR MAY 5, TO BE DISCUSSED LATER

City Manager Zachary indicated sometime back the City Council adopted a recommendation for a schedule relating to Cablevision activities which call for a special Council meeting on May 5 to discuss the RFPs. City Manager Zachary questioned if we are still working under this schedule and if the May 5 meeting will be held. Discussion took place with it being agreed that at this point, the May 5 meeting is not scheduled, that once the City Attorney makes his report on May 3, then a meeting may be scheduled.

REPORT OF CITY ATTORNEY

EASEMENT EXCHANGE - WILLIAM STANLEY - PUBLICATION AUTHORIZED

City Attorney McCormick indicated during the last Council meeting, the City Council authorized publication of a notice to exchange easements relating to a utility line being installed by the City. He indicated we have one more easement exchange relating to the same sewer line and it relates property of William Stanley at the corner of Sourwood and Balsm Drive. He indicated there is an existing easement on the property and the City would like to exchange easements. Therefore, he would recommend that the City Council AUTHORIZE PUBLICATION OF A NOTICE OF INTENT TO EXCHANGE UTILITY EASEMENTS WITH WILLIAM STANLEY AND WIFE. Mr. Calloway moved the Attorney's recommendation be upheld. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ALCOHOLIC BEVERAGES - CONSUMPTION IN CITY PROPERTY - CITY ATTORNEY TO DRAFT ORDINANCE

City Attorney McCormick indicated while doing research for the outdoor dining on pedestrian malls he was studying consumption of alcoholic beverages presently in City facilities. He stated presently alcoholic beverages are allowed in Theatre in the Park, Raleigh Little Theatre, Mordecai Square and the Civic Center. He stated it was his recollection that all the City Council wanted consumed in these facilities were beer or wine. He indicated the way the Code is presently written any alcoholic beverage could be consumed. He indicated he was bringing this to the Council's attention first of all to determine the Council's intent and then he would draft an ordinance carrying out that intent to bring back to Council. City Attorney McCormick indicated there have been three basic sets of ABC laws during this time causing the confusion. Mr. Jordan questioned if we have had any occasions where anything other than beer or wine has been served with City Attorney McCormick indicating he did not know. He stated, however, he feels that it needs to be clarified. Ms. Babb MOVED THAT THE CITY ATTORNEY BE INSTRUCTED TO DEVELOP A CLARIFICATION THAT BEER AND WINE ONLY WILL BE CONSUMED ON THE CITY PROPERTY AS OUTLINED BY THE CODE. Her motion was seconded by Mr. Jordan. City Manager Zachary questioned if champagne is considered to be wine under the law, with City Attorney McCormick indicating it is. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CABLEVISION - CONSULTANT'S QUESTIONS TO BE SENT TO CABLE COMPANIES; CITY ATTORNEY TO GIVE REPORT MAY 3

City Attorney McCormick indicated the City's cablevision consultants have had the cablevision proposals from both companies for some time. He indicated the consultants have forwarded to him a lengthly list of questions that they need answered or clarification on. City Attorney indicated he would like permission to forward this list of questions to the two companies and ask that they answer the questions. He indicated in view of the extensive proposals and questions, it might be that he would only be able to give an interim report to the City Council on May 3. Mayor York indicated on May 3 we would decide what to do and what time table to follow from that point. Ms. Babb MOVED THAT THE CITY COUNCIL AUTHORIZE THE CITY ATTORNEY TO GO AHEAD AND GET THE CONSULTANT'S QUESTION ANSWERED AND THE COUNCIL LOOK FORWARD TO SOME TYPE REPORT FROM THE CITY ATTORNEY ON MAY 3 EVEN THOUGH IT MAY BE A INTERIM REPORT. Her motion was seconded by Mr. Calloway. Ms. Babb indicated she hardly sees how we could get the questions sent out and back by the 3rd and she feels that maybe we should go ahead and assume what we get on May 3 will be an interim report. City Attorney McCormick indicated it is very unlikely that he would be able to make a

final report on May 3. The possibility of delaying the report from May 3 was discussed with Mayor York indicating he just hates to see us start delaying the schedule at this point. He stated he feels we should go ahead and see what we get on May 3 and make a decision at that time. City Attorney McCormick indicated if the Council does not disapprove, then he would get the list of questions out tomorrow and set a deadline of Friday, April 29 for the companies to answer the question, so that the consultants would have sometime to review them before the report on May 3. He stated the questions are mainly clarification questions. After brief discussion, the motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CABLEVISION - RESOLUTION OF CONCERN RELATING TO SB 66 - ADOPTED - COUNCILMAN JORDAN AUTHORIZED TO ATTEND MEETING IN WASHINGTON

Mayor York indicated he received a letter from Edward I. Koch, Mayor of the City of New York relative to the agreement between the National League of Cities and the National Cable Television Associates that has been recommended to the Senate for enactment as a substitute to Senate Bill 66. He requested that this letter and attachments be forwarded to all City Council members to make this distribution. Mr. Jordan indicated a number of concerns have been raised relative to Senate Bill 66 and the City Attorney has been working on a resolution to voice the concern of the City of Raleigh over certain provisions of that Senate bill. Mr. Jordan explained there is a meeting in Washington on April 20 and HE WOULD MOVE ADOPTION OF THE RESOLUTION AS PRESENTED AND REQUEST PERMISSION FOR HIM TO ATTEND THAT MEETING AND PRESENT THE RESOLUTION AND CONCERN OF THE RALEIGH CITY COUNCIL. His motion was seconded by Ms. Babb. Mr. Walters indicated he had not had an opportunity to study it, however, he had had an opportunity to glance over the proposed resolution and he could not possibility support some of the provisions of the resolution. He indicated there was a lot of compromise and work that was done by the National League of Cities in getting this compromise before the Senate and he does feel it is a viable compromise. He stated he just did not feel that we have any justification to approve a resolution this important without having had time to study it. Mr. Jordan agreed that he too would like to have time to study the compromise, but everything is moving along. He stated a Senate Committee will study the compromise tomorrow. He indicated a group of people representing various cities, cable administrators, etc. are holding a meeting in the U.S. Conference of Mayor's office in Washington in an effort to try to encourage that office to support their compromise. Mayor York indicated the resolution did state the position of the Council and the National League of Cities has developed what they feel is a compromise and some cities just do not agree with that compromise. Lengthy discussion took place as to who was meeting in Washington, the compromise to Senate Bill 66, Senate Bill 66 itself, who was involved in the effort to present another compromise, what the proposed resolution actually says, etc. Why the City Attorney drafted the proposed resolution was also discussed. After lengthly discussion, the motion, as stated, was put to a vote, which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 209

A RESOLUTION TO VOICE THE CONCERN OF THE CITY OF RALEIGH OVER CERTAIN PROVISIONS OF THE SENATE BILL 66 COMPROMISE

WHEREAS, the National League of Cities and the National Cable Television Association have, through negotiating teams, arrived at a compromise position concerning the provisions of Senate Bill 66; and

WHEREAS, the proposed compromise allows the FCC to set minimum technical standards which may be exceeded by the terms of a franchise only upon a waiver from the FCC thereby possibly lowering the quality of the City's system; and

WHEREAS, the FCC is allowed to set rates of compensation for the installation of cable system facilities on private property when tenants of that private property desire cable service regardless of the wishes of the owners of the property, thereby requiring local property owners to resolve compensation questions at a federal level; and

WHEREAS, cable television operators may indulge in television sales and repairs as well as other communication related businesses as a matter of right under the franchise no matter what the effect on local merchants; and

WHEREAS, the compromise will effectively eliminate all rate regulation in the City of Raleigh since four grade B television signals, including three network signals, are available in the community; and

WHEREAS, under the provisions of the compromise, the total amount paid to the City of Raleigh may not exceed annual aggregate of 5% of the cable operators gross revenues. This fee would include any franchise fee, tax or other assessments imposed by the franchising authority. In addition, cable operators may pass through the total fee on a subscriber's bill as a separate item. This provision will essentially prohibit the City from charging the cable company for costs incurred by the city such as permit or inspection fees or make-ready construction costs incurred during the construction of the system; and

WHEREAS, the current operator will be virtually entitled to automatic renewal under the terms of the compromise agreement; and

WHEREAS, the compromise agreement contains many other provisions the effect of which upon cities has yet to be determined; and

WHEREAS, National League of Cities member cities were given little or no opportunity to give input into the negotiations which produced the compromise; and

WHEREAS, the City of Raleigh sincerely believes that enactment of the compromise on S 66 arrived at by the National Cable Television Association and the National League of Cities will seriously impair the ability of the City to properly regulate cable television and provide cable television service to its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

In light of the above objections and the lack of any meaningful input into the negotiations by National League of Cities member cities, that the City of Raleigh requests the following:

(1) that the NLC Board reconsider its decision to support this compromise as it does not protect the cities' or the public's interests;

(2) that the NLC Board actively seek time from all appropriate Congressional committees and sub-committees to allow for responses from NLC member cities on federal cable legislation;

(3) that the NLC solicit through a special mailing, responses from all member cities to its compromise proposal;

(4) that if after receiving and reviewing member cities' responses to the compromise, it is determined that there is a need for federal cable legislation, NLC should actively sponsor and support legislation which protects the public interest, reflects the members cities' rights, and ensures that the full range of services will be made available to subscribers on economically viable broad band communications systems.

Adopted: 4/19/83

Effective: 4/19/83

REPORT OF MAYOR AND COUNCIL MEMBERS

EMPLOYEE EVALUATIONS - FORM SUBMITTED TO COUNCIL TO BE TURNED IN BY MAY 3

Mayor York indicated it is time for the City Council to do the evaluation of the three employees employed by the Council - City Manager, City Attorney and City Clerk. He indicated as the Council would remember this evaluation is in two parts one is a written evaluation. He presented Council members with a copy of the evaluation forms on the three employees and requested that the forms be handled in to him or Ms. Wilson no later than May 3.

PRIVATE SECTOR HOUSING COMMITTEE - ADDITIONAL MEMBER ADDED

Mayor York indicated he received a letter from Betty Doak, of the Raleigh Housing Task Force, and they have requested that someone from their membership be named to the Private Sector Housing Committee. He indicated they had suggested that Attorney Gus Anderson be put on as a member representing the Raleigh Housing Task Force. Mayor York indicated the first meeting of the Private Sector Housing Committee will be Monday, May 2 at 4:00 p.m. He asked all City Council members to attend that meeting if possible pointing out the Private Sector Housing Committee will make its report through the Law and Finance Committee to the City Council. Mayor York SUGGESTED THAT RALEIGH HOUSING TASK FORCE BE AUTHORIZED A NOMINEE AND THEIR RECOMMENDATION OF GUS ANDERSON BE CONFIRMED. Ms. Babb moved the Mayor's recommendation be upheld which was seconded by Mr. Jordan and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED

COUNCIL MEETING - MAY 3 - MAYOR TO BE ABSENT PART OF THE MEETING

Mayor York indicated he has a meeting on the west coast on May 4 and the latest he could get a plane out would be 4:30 p.m on May 3. Therefore, he will miss part of the afternoon session and the evening session of Council, and he would like to be excused at the proper time.

RALEIGH LITTLE THEATRE - ADMINISTRATION TO CHECK

Mr. Upchurch indicated he would request THE CITY MANAGER TO CHECK WITH RALEIGH LITTLE THEATRE POINTING OUT THEY HAVE A JAZZ CONCERT SCHEDULED FOR FRIDAY. He stated he wanted the Manager to check as last year we had some problem and we need to make sure that they have ample toilet facilities, etc. Without objection, this matter was referred to administration.

SIDEWALK IMPROVEMENTS - WAKE FOREST ROAD - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Upchurch indicated the City is in the process of installing sidewalks on Wake Forest Road. He indicated at Wake Forest Road intersection with Watagua Drive, some of the trees will have to be removed in order to install the sidewalk. He indicated the property owner wants desperately to be able to save the trees and has agreed to

give the City an easement behind the tree in order to install the sidewalk, or whatever is necessary to save the trees. Brief discussion took place AND THE SIDEWALK INSTALLATION ON WAKE FOREST ROAD AND THE NEED TO SAVE THE TREES WAS REFERRED TO PUBLIC WORKS COMMITTEE.

NCSU CELEBRATION COSTS - NO ACTION TAKEN

Mr. Upchurch indicated the City of Raleigh incurred quite a expense in cleaning up after the NCSU victory celebrations. He indicated he feels that the City should bill NCSU for part or all of this extra expense and so moved. His motion was seconded by Mr. Walters. Mayor York indicate he did not know about this with Mr. Jordan pointing out a lot of the people involved were not N.C. State students. Mr. Walters stated he felt is was absolutely ridiculous the way it was handled as it put many City people working many hours over time and in a great deal of danger. He stated he would hope the City Council would at least have the guts to present the University a bill, pointing out NCSU will get over a million dollars in return for this win. Mr. Edwards indicated he did not go out there but he has talked to a lot of people who were involved in the NCSU celebration and a large percentage were non-students and he does not see how we can bill them for this expense. Brief discussion took place and the motion, as stated, was put to a vote with all members voting in the negative except Mr. Upchurch and Mr. Walters who voted in the affirmative. The Mayor ruled the motion adopted.

RALEIGH LITTLE THEATRE - POTHOLES - REFERRED TO ADMINISTRATION

Mr. Upchurch indicated he understands there is some potholes at the Raleigh Little Theatre and he WOULD ASK ADMINISTRATION TO LOOK INTO THE PROBLEM AND CORRECT IT IF NECESSARY. Without objection, the item was referred to administration.

ROAD BOND - POSSIBILITY OF COUNTY HAVING AUTHORITY TO ISSUE - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Mr. Upchurch indicated he received a letter from the Chairman of the Planning Commission dated March 28 addressed to the TAC. He indicated the letter relates to State enabling legislation which would allow Wake County to have bond referendums for road improvements. He indicated the letter encouraged the TAC to go to the State and seek enabling legislation to allow the County Commissioners to pass bond issues. Brief discussion took place and Mr. Jordan MOVED THAT THE ISSUE RELATING TO ENABLING LEGISLATION TO ALLOW COUNTY COMMISSIONERS TO ISSUE ROAD BONDS ISSUE BE REFERRED TO INTERGOVERNMENTAL COMMITTEE. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

BOXING COMMISSION - CONFLICT IN CITY AND COUNTY LEGISLATION - REFERRED TO INTERGOVERNMENTAL COMMITTEE

Mr. Upchurch indicated the City Attorney had told him that we have a conflict in the Boxing Commission's in Wake County and Raleigh. He indicated as he understands it the County got enabling legislation and passed an ordinance and there was already an ordinance on the books and the two are at conflict. City Attorney McCormick indicated there was an old bill passed by the General Assembly relating to Boxing Commission's and the County was unaware of that and went to the General Assembly and got enabling legislation for the County. He stated the enabling legislation for the City and the County do have conflicts. Mr. Upchurch MOVED THAT THE CONFLICTS IN THE BOXING COMMISSION'S BETWEEN WAKE COUNTY AND THE CITY OF RALEIGH BE REFERRED TO INTERGOVERNMENTAL COMMITTEE. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

BUCKEYE TRAIL - POSSIBILITY OF STREET SWEEPING MACHINE - REFERRED TO ADMINISTRATION

Mr. Walters indicated after rain the Buckeye Trail is cleaned by a front end loader. He indicated, however, sand is still left on the trail. He stated if a street sweeping machine could go in and clean the sand off the trail, it would be much better. Without objection, THE POSSIBILITY OF A STREET CLEANING MACHINE CLEANING BUCKEYE TRAIL WAS REFERRED TO ADMINISTRATION.

TRAFFIC - PARKING PROBLEMS ON EDENTON STREET - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Jordan indicated there is a parking problem on Edenton Street near the bus station. He indicated he understands that many people have trouble getting in and out of their driveway. He stated he would REQUEST THAT THE PARKING PROBLEMS ON EDENTON STREET BE REFERRED TO THE LAW AND FINANCE COMMITTEE. Without objection, the item was so referred.

TRAFFIC - SIX FORKS/BELTLINE - REFERRED TO ADMINISTRATION

Mr. Jordan asked administration TO CONTACT THE STATE DOT AND ASK THEM TO LOOK AT THE PROBLEM OF THE SIGNAL AT SIX FORKS ROAD/BELTLINE. He indicated if you are going south on the Beltline and try to exit onto Six Forks Road, the traffic light does not seem to be in the right cycle. Without objection, the item was referred to administration.

REPORT OF CITY CLERK AND TREASURER

SURPLUS PROPERTY - GARLAND DRIVE/LORIMER ROAD - RESOLUTION AUTHORIZING SALE ADOPTED

The City Clerk reported during the March 1, 1983 Council meeting, the City Council, at the recommendation of the Real Estate Committee, declared property at the corner of Garland Drive and Lorimer Drive as surplus property and authorized it for sale through the negotiated offer, upset bid method with a minimum bid of $2,000. The process has been followed, and it is recommended that the City Council ADOPT A RESOLUTION AUTHORIZING THE SALE OF THE LOT AT THE CORNER OF GARLAND DRIVE/LORIMER ROAD TO HERBERT P. OLDHAM AT $2,000. Mr. Jordan moved the Clerk's recommendation be upheld which was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 217

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired certain real property, said property being described more fully as follows:

Lot identified as Tax Overlay 549 as Number 89A
at the corner of Garland Drive and Lorimer Road.

WHEREAS, Herbert P. Oldham has offered to purchase said property for the price of $2,000; and

WHEREAS, Chapter 160A-266 et. seq., of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

1. That the City Council on April 19, 1983 ascertained that all requirement of Chapter 160A-266 et. seq., have been followed in the proposed sale of the above described property.

2. That the City of Raleigh will sell the herein before described property to Herbert P. Oldham for the sum of $2,000.

Adopted: 4/19/83

MINUTES - APRIL 5 - APPROVED AS PRESENTED

The City Clerk indicated Council members receive copies of the April 5 Council meeting and Zoning Hearing in their Agenda packet. There being no correction, Mayor York ANNOUNCED THE MINUTES APPROVED AS PRESENTED.

EASEMENT EXCHANGE JAMES L. AND ALICE B. HATCHER - RESOLUTION ADOPTED

During the April 5, 1983 Council meeting, the Council authorized publication of Notice of Intent to consider adopting a resolution authorizing the exchange of real property of the City of Raleigh with real property of James L. and Alice B. Hatcher. The exchange relates to a utility easement across Lot 92. The City property is valued at approximately $500 and the estimated valve of the Hatchers' property is $5,400. In addition to the utility easement owned by the City, the City of Raleigh will give $4,900 to the Hatcher's for this exchange. It is recommended that the City Council ADOPT A RESOLUTION AUTHORIZING THE EXCHANGE OF EASEMENTS AS OUTLINED. Mr. Jordan moved the Clerk's recommendation be upheld, which was seconded by Mr. Williams and put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION (1983) 218

RESOLUTION AUTHORIZING EXCHANGE OF PROPERTY

WHEREAS, as its regular meeting on the 5th day of April, 1983, the City Council of the City of Raleigh adopted a resolution stating its intent to consider at its regular meeting to be held on the 19th day of April, 1983, exchange of certain real property of the City for certain other real property; and

WHEREAS, public notice of the intent of the City Council and of the time and place of the meeting was published as required by law; and

WHEREAS, at its regular meeting on the 19th day of April, 1983, the City Council considered the exchange of property; and

WHEREAS, the City Council has determined that the City will receive fair consideration for this property in the exchange and it is appropriate to make the exchange of properties;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, that:

Section 1. The Mayor and City Clerk are hereby authorized to execute deeds and other necessary documents in order to effect an exchange of the real property of the City of Raleigh described below for the real property of James L. Hatcher and wife described below, and to deliver and receive appropriate deeds and other documents:

a. Property of the City: Utility easement across Lot #92 as shown in Book of Maps 1963, p. 202.

b. Property of James L. Hatcher and Alice V. Hatcher lying within the sanitary sewer easement lines as shown in Book of Maps 1981, p. 223.

Adopted: 4/19/83

ADJOURNMENT

There being no further business, MAYOR YORK ANNOUNCED THE MEETING ADJOURNED AT 5:10 P.M. TO BE RECONVENED AT 7:00 P.M.

Gail G. Smith
City Clerk

jb/CC/SP3

The City Council of the City of Raleigh met in regular reconvened meeting on Tuesday, April 19, 1983 at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mr. Calloway absent and excused.

Mayor York called the meeting to order, indicating Councilman Calloway had requested to be excused from the night meeting pointing out he has duties related to his church he had to attend to. WITHOUT OBJECTION, REVEREND CALLOWAY WAS EXCUSED.

Mayor York recognized Willie Edmond and his Scout Troop and welcomed them to the meeting.

Mayor York indicated it was learned today that Claude Sitton, of the News and Observer had won a special honor and without objection, HE WOULD REQUEST THAT A RESOLUTION HONORING MR. Sitton BE PREPARED AND SENT TO HIM.

RESOLUTION NO. 1983-221

WHEREAS, Claude Sitton, editor of the Raleigh News and Observer, has been recently honored as the recipient of the 1983 Pulitzer prize in the field of journalistic commentary; and,

WHEREAS, Claude Sitton was selected for this special merit, considered to be the highest award in journalism, for his Sunday columns which address local, state, national and international issues; and,

WHEREAS, Claude Sitton is the first member of the News and Observer staff to be so honored, thereby reflecting honor and prestige not only upon himself and the newspaper for which he works, but for the entire Capital City; and,

WHEREAS, the members of the Raleigh City Council wish to indicate their pride in this distinguished accomplishment by Claude Sitton and the acknowledgement that for him this is the crowning achievement in a lifetime devoted to conscientious reporting;

NOW, THEREFORE, BE IT RESOLVED that the Raleigh City Council does hereby express its admiration for the many accomplishments of this dedicated, astute and even courageous Pulitzer Prize winning reporter and editor and the hope that Claude Sitton will continue his comment on the pertinent issues of the day which may be of interest and importance to us all.

Adopted: 4/19/83

REQUEST AND PETITIONS OF CITIZENS

PUBLIC NUISANCE - 117 DARTMOUTH ROAD - APPEALED DENIED - ORDINANCE ADOPTED

Kenneth Huang, 117 Dartmouth Road, was at the meeting explaining problems he has relating to the orders of the Inspections Division relating to an alleged public nuisance at 117 Dartmouth Road. Mr. Huang indicated his problems started some time back when he was utilizing a wood heater in his backyard to heat hot water for his house. He indicated he was told by the Inspections Department to quit using the heater because it was unsafe. He explained problems he had had in trying to get the Inspections Department to tell him what is wrong with his heater and to get permission to utilize it. He stated that was just the beginning of his problems and pointed out he later received a letter from the City telling him that he had to get rid of debris, trash, etc. in his yard. He indicated this is not debris and trash that it is materials that he is going to use to burn in his wood stove and also materials that he used to help maintain his property. He stated he had to pay high taxes, therefore, he needed to utilize the wood stove and the materials in his yard for heat and property repairs in order to save money for his taxes. Housing Inspection Supervisor Bartholomew indicated Mr. Huang has talked about two items. He indicated as far as the wood heater is considered, he has been ordered not to use the wood heater. He indicated the Fire Department has had to come out on a number of occasions because of problems with the wood heater. He indicated the wood heater. He indicated the item before the Council is the public nuisance. He explained Mr. Huang has a number of things in his rear yard and he was notified that it was a public nuisance and given a deadline of March 31 to clear the debris from his yard. Mr. Bartholomew indicated Mr. Huang had told him that if the City would allow him to use his wood heater, he would not appeal the public nuisance. He indicated the wood heater is a danger to Mr. Huang's property as well as to surrounding properties. Mr. Bartholomew presented photographs of Mr. Huang's rear yard and explained that the heater is no longer being used. He indicated as far as the debris in his yard, some of it is wood products but most of the items would not burn. He indicated the heater is located outside the house and it is an old hot water facility that has been gutted

and framed up with bed mattresses and stone pipe and an open fire under it. Mr. Huang indicated he had asked many times what it wrong with the heater and what he would have to do to bring it into compliance. He indicated he had talked with a forestry service representative who had told him his heater was O.K. Mr. Upchurch indicated maybe this needs to be looked into and go to Law and Finance Committee. Mr. Jordan indicated he had no real objections to the matter going to committee, but there are a lot of problems and he does not see how they can be solved. He pointed out this is a make shift operation and the yard is a public nuisance. Brief discussion took place and Mr. Jordan MOVED THAT THE CITY DENY MR. HUANG'S APPEAL AS IT RELATES TO THE ALLEGED PUBLIC NUISANCE AT 117 DARTMOUTH ROAD. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. 1983-104

AN ORDINANCE TO DECLARE CERTAIN PROPERTY A PUBLIC NUISANCE

WHEREAS, the Inspection Division of the Public Works Department of the City of Raleigh has inspected the property at 117 Dartmouth Road, more particularly described as Tax Map 408, Lot 1619 of the Wake County Tax Office; and

WHEREAS, said Inspection Division has found such property to constitute a public nuisance under Part 7, Chapter 5 of the Raleigh City Code; and

WHEREAS, the owners of said property have appealed the findings of the Inspection Division to the City Council under the provisions of Section 7-5003 of the City Code; and

WHEREAS, the City Council, after hearing all interested persons and reviewing the findings of the Inspection Division has determined that the findings of the Inspection Division are correct and proper and wish to adopt an ordinance specifically declaring the condition existing on the property to be a danger to the health, safety, morals and general welfare of the inhabitants of the City and a public nuisance and directing the Inspection Division to cause said conditions to be abated.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the property located at 117 Dartmouth Road, as specifically described above, is hereby declared to be a public nuisance by virtue of the conditions described above. Said property is also declared to be, for the same reasons, a danger and hazard to the health, safety, morals and general welfare of the inhabitants of the City.

Section 2. The Inspections Division of the Public Works Department of the City of Raleigh is hereby directed to cause said conditions to be abated and the cost of said abatement to be assessed as a lien against the property.

Section 3. That this ordinance shall become effective April 19, 1983.

Section 4. All ordinances and portions thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Adopted: 4/19/83

Effective: 4/19/83

STORM DRAINS - SUMTER SQUARE APARTMENT AREA - REFERRED TO PUBLIC WORKS COMMITTEE

Robbie Cowan, 1613 Charleston Road, was at the meeting representing Sumter Square Apartments. She indicated they would like permission to put a welded mesh material in place over the storm drains located on City right-of-way in their area for safety reasons. She indicated it is understood that the water would run freely into the storm drain, but the mesh would prevent a child from falling into one of these storm drains. She indicated there are 37 storm drains on their property, 10 of which are on City right-of-way. City Manager Zachary read a memo from the administration recommending against this request pointing out that if there is some type of structure over the storm drain openings, it would prevent water, leaves, etc. from running into the storm drain and could cause clogging and problems. Discussion took place on the type of storm drains located in this area with it being pointed out it is the standard open face basin. Mr. Edwards indicated he understood the request and the concern, but he feels that we will cause a hydraulic problem if we obstruct the storm drainage. He pointed out the type of mesh could mean a difference. Ms. Cowan indicated their only concern is that the storm drains are large enough for a small child to fall into one of them and they are a family oriented area. She stated they have a grounds crew that will clean up the storm drains daily. Mr. Edwards indicated he understands the problem and pointed out kids do, in fact, crawl down in the storm drains just for the fun of it. He indicated, as an engineer, he does not feel that the City should allow obstruction of the storm drains. Brief discussion took place, after which BY GENERAL CONSENSUS, IT WAS AGREED TO REFER THE REQUEST TO PUBLIC WORKS COMMITTEE FOR FURTHER STUDY.

DUMPSTER APPROACH PADS - SUMTER SQUARE APARTMENT AREA - AUTHORIZED

Robbie Cowan, representing Sumter Square Apartments, was at the meeting to request permission to pour two dumpster approach pads located on City right-of-way in order

to keep the dumpster trucks from tearing up the asphalt in these areas and to improve the area. Ms. Cowan indicated she had sent Council members a diagram showing the location of the dumpster pads, how they will be constructed, etc. City Manager Zachary read a memo from administration recommending that this is a good solution to the problem and recommended approval. Mr. Upchurch MOVED THAT SUMTER SQUARE APARTMENTS BE GRANTED PERMISSION TO POUR TWO DUMPSTER APPROACH PADS ON CITY RIGHT-OF-WAY AT THEIR PROPERTY. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SOUTHEASTERN REGION URBAN TREE CONFERENCE - INFORMATION RECEIVED

Rodney Swink, representing the Southeast Regional Urban Tree Conference was at the meeting to inform the Council of the Urban Trees and Soils Workshop to be conducted at the Jane S. McKimmon Center on April 27 and 28, 1983. Mr. Swink presented Council Members with a brochure on the program and briefly when over the program. He indicated he was at meeting to inform the Council of the program and also to invite the Council members to attend, pointing out the conference would like to have as many Council members as possible at the meeting and to be their guest at the banquet. Mr. Swink expressed appreciation to the City's Parks and Recreation Department, Planning Department and the Agricultural Extention Service in helping put this program together. The information was received with Mayor indicating hopefully our "in-house tree expert" Councilman Keller would be able to attend.

CABLEVISION - COMMENTS BY FUTURE CABLE COMMUNICATIONS AND QUESTIONS RECEIVED; CITY ATTORNEY TO ANSWER QUESTIONS

Thomas W. Bradshaw, Jr., 7416 Grist Mill Road and a member of Future Cable Communication of Raleigh, was at the meeting with a prepared statement asking the Council to clarify some of the questions they have raised and to make an announcement concerning their bid for the new franchise. The content of Mr. Bradshaw's statement and the questions is as follows:

"I would like to, for the record, restate the objectives of Future Cable. Our group was assembled shortly after the Council indicated it would begin negotiations for a new fifteen year franchise with the present cable operator. It was done so out of the concern for the type of service we have experienced during the past fourteen plus years and because of the statements made by our present cable operator that it planned only to offer additional entertainment channels as opposed to the latest state-of-the-art system being offered in number communities across this nation. We also knew it would be a good business to be in and a good investment.

We believe the formation of Future Cable has in fact aided the Council in its efforts to secure improved cablevision services and in the Council's on-goning deliberations concerning revenues due the City of Raleigh from the current franchise holder.

During the deliberations to establish a request for proposal, we believe we have suggested some improvements in the procedures, and have, through our efforts to create a competitive atmosphere, brought about an improvement in the present level of service by our present cable operator. This is evidenced by their recent statements they will expand some of their services prior to the original dates and an improved awareness of the concerns expressed by the public through the public hearings and the initiative petition signed by over 8,000 Raleigh citizens that has been presented to the Council.

On March 31, 1983, the Council received only two proposals in their request to seek competitive bids for the new fifteen year franchise. We want to state for the record that while we believe the Council has honestly tried to establish a fair and competitive atmosphere, it has failed to address in enough detail some of the provisions of the existing franchise and the situations that might arise.

During the last several months we have initiated and held meetings with cable operators who operate successfully in a host of cities throughout this nation. In all of our conversations, each and every on has expressed concern as to the Council's proposal to award more than one franchise while acknowledging there is some question as to the Council's ability to offer an exclusive franchise. This has in fact caused these companies to decline to present a bid either with us as a joint venture partner or on their own because of this uncertainty. They have also indicated that the Council has not clearly established the procedure by which the present cable franchise agreement would be terminated and what procedures would be followed in assuring the citizens of our community continued and reliable cablevision service until the new system could be properly installed. The concern expressed here by those prospective operators has been that if they were successful in offering the most competitive system at the lowest possible price, the existing operator could simply match that service and continue to have an undue advantage over them as a prospective franchise holder under the Council's stated provision that they would allow any operator to match the low bid.

We have shared our concerns about these two provisions with the Council on numerous occasions, and we are aware the Council has deliberated on both of these concerns.

On March 31, 1983, as we submitted our proposal, we did so out of the continuing concern for this community receiving the highest level of cablevision services. In assembling our bid, we knew that these two provisions were of concern to both our

investors and our proposed operator, Maclean Hunter. Since the presentation of the proposals, Scott Colbran, the Vice President of Maclean Hunter had the opportunity to meet with the Mayor.

Maclean Hunter has now informed us they want to withdraw from our proposal to operate and manage the system for Future Cable. We have some major questions as to why the sudden turn-around and withdrawal inasmuch as they would simply operate and manage the system. They did not have an equity position in Future Cable. This latest action, together with several withdrawals by other companies and the lack of other competitive bids, re-affirms out position that the City does not have the right ingredients for securing truly competitive bids.

The questions we are asking the Council to consider are attached to this statement. Our future course of action will be predicated upon our ability to get answers to these questions.

We are asking that the Council reconsider its process in lieu of the present situation and ask the question of itself as we have. Is our city running the cable franchise procedure, or is ATC running it?

I thank you for your time and interest.

QUESTIONS

1. Does the City intend to award more than one franchise?

2. Will substantive amendments to proposals be permitted by applicants after the filing deadline?

3. Must the City award a franchise to every qualified bidder whose proposal meets the minimum requirements set forth in the RFP?

4. Will the new minimum standards ordinance adopted by the City be based on the "best proposal" as indicated by Mayor York in his November 22, 1982 statement? If not, on what minimum standards will the ordinance be based?

5. Assuming a company desirous of obtaining a franchise agrees to meet the minimum requirements ultimately established by the Council,

   a. Must the company have submitted a proposal during the official solicitation period (i.e. January 14, through March 31, 1983) as a prerequisite to qualify for and receive a franchise?

   b. If yes, then what process must an applicant follow to request a second franchise subsequent to the official solicitation period?

6. Will a public hearing be held to allow participants to make presentations of their proposals and permit public input and response? Will a clarification session for applicants be held?

7. ATC currently holds a lease on the last available space on many CP&L and Southern Bell utility poles. If ATC's wires remain on the poles, a new franchise will then be required to incur significant cost and time delays in the construction of its system due to this physical limitation. A new franchise would then be confronted with two alternatives: (1) replace many of the present utility poles with taller poles to make room for a second cable, or (2) bury the cable underground.

   a. If a single franchise is awarded to a new company as a result of the bidding process, will the City exercise its authority under the 1968 ordinance to require ATC to remove its wires from the utility poles in order to made way for the new company?

   b. In the event ATC requests a second franchise, will the City require removal of their lines from the poles before such a request is granted?

8. What criteria, process and methodology the City will apply in evaluating proposals, and what relative weight will be accorded each item of consideration?

9. Will proposals be ranked so the "best" or "most comprehensive" proposal will be identified?

10. Will applicants' past operating history and service record in Raleigh and other cities where they operate franchises be a factor for consideration?

11. How will the City determine "financial capability of the applicant to construct and operate its proposed system"?

Mayor York indicated Mr. Bradshaw had insinuated that he had said something to cause the cable operator to withdraw. He indicated he did meet with the cable operator and the meeting was at the request of Gregory Poole. He indicated Mr. Poole was with him at all times. He stated he does not feel that he said anything that would influence the cable operator to withdraw. He explained Mr. Poole called and indicated the cable operator was in town and could he meet with him. He stated he told them he was short on time but would be glad to meet the cable operator. He stated, again, he did

not feel he said anything to influence his decision. Mr. Bradshaw indicated he did not mean to insinuate that but the operator, after talking with the Mayor, did go back and withdraw his proposal, indicating he did not feel there was a competitive situation in Raleigh. Mr. Edwards questioned if the cable operator met with any other Council persons. Mr. Upchurch indicated he was asked to meet with the cable operator and when he arrived at the office, he was told that the cable operator was gone to meet with the Mayor so he never got to meet the gentlemen. Mr. Bradshaw indicated he just included this information as the man did come to this community, met with the Mayor and he felt obligated to tell the Council and the community that Future Cable Communications does not have a cable operator at this point. He stated their proposal, however, still stands. Discussion followed with Mr. Edwards questioning who else the cable operator met with in the community with Mr. Bradshaw indicating he did not know exactly, but he did meet with other people in the City. He was just trying to acknowledge that the cable operator did come to the city and meet with people of the city. Mr. Bradshaw indicated he did not mean to imply anything the Mayor said cause the operator to withdraw. Mr. Edwards indicated as he understands what Mr. Bradshaw is saying is that the cable operator came, met with people in the city and made that conclusion after talking to a number of people. Mr. Walters indicated an exclusive franchise is against the law and referred to the City of Houston case. Mr. Bradshaw indicated they are only asking for a single franchise, not an exclusive franchise. During the night portion of the meeting, it was pointed out that representatives of Cable Communication did submit specific questions to be answered. This was discussed briefly and Mr. Jordan MOVED THAT THE CITY ATTORNEY BE DIRECTED TO ANSWER THE ELEVEN QUESTIONS AS PRESENTED BY CABLE COMMUNICATIONS NO LATER THAN THE NEXT MEETING. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

UNFIT BUILDINGS AND DWELLING UNFIT FOR HUMAN HABITATION

NONE.

MATTERS SCHEDULED FOR PUBLIC HEARING

PU 1982-15 - BOONE TRAIL - HEARING - RESOLUTION ADOPTED

This was a hearing to consider confirming costs with the installation of a water main in Boone Trail according to charges outlined in Resolution 1983-193 adopted on March 15, 1983. Chief Engineer Thomas explained the project and the proposed cost. The Mayor opened the hearing to the public. No one asked to be heard thus the hearing was closed. Mr. Upchurch MOVED ADOPTION OF A RESOLUTION CONFIRMING THE COSTS FOR PU 1982-15 AS OUTLINED. His motion was seconded by Mr. Walters and put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. 1983-220

A RESOLUTION CONFIRMING SPECIAL WATER ASSESSMENT ROLL NO. 993

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 19th day of April, 1983, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1983-193 adopted on the 15th day of March, 1983, which assessments appear on "The City of Raleigh Special Water Assessment Roll No. 993," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 4/19/83

MATTERS SCHEDULED FOR PUBLIC HEARING BEFORE THE CITY COUNCIL AND THE PLANNING COMMISSION

The City Council when into a joint hearing with the Planning Commission to hear various requests for rezonings and text changes as advertised. The items heard during that portion of the meeting will be covered by a separate set of minutes.

Gail G. Smith
City Clerk

jb/CC/SP3